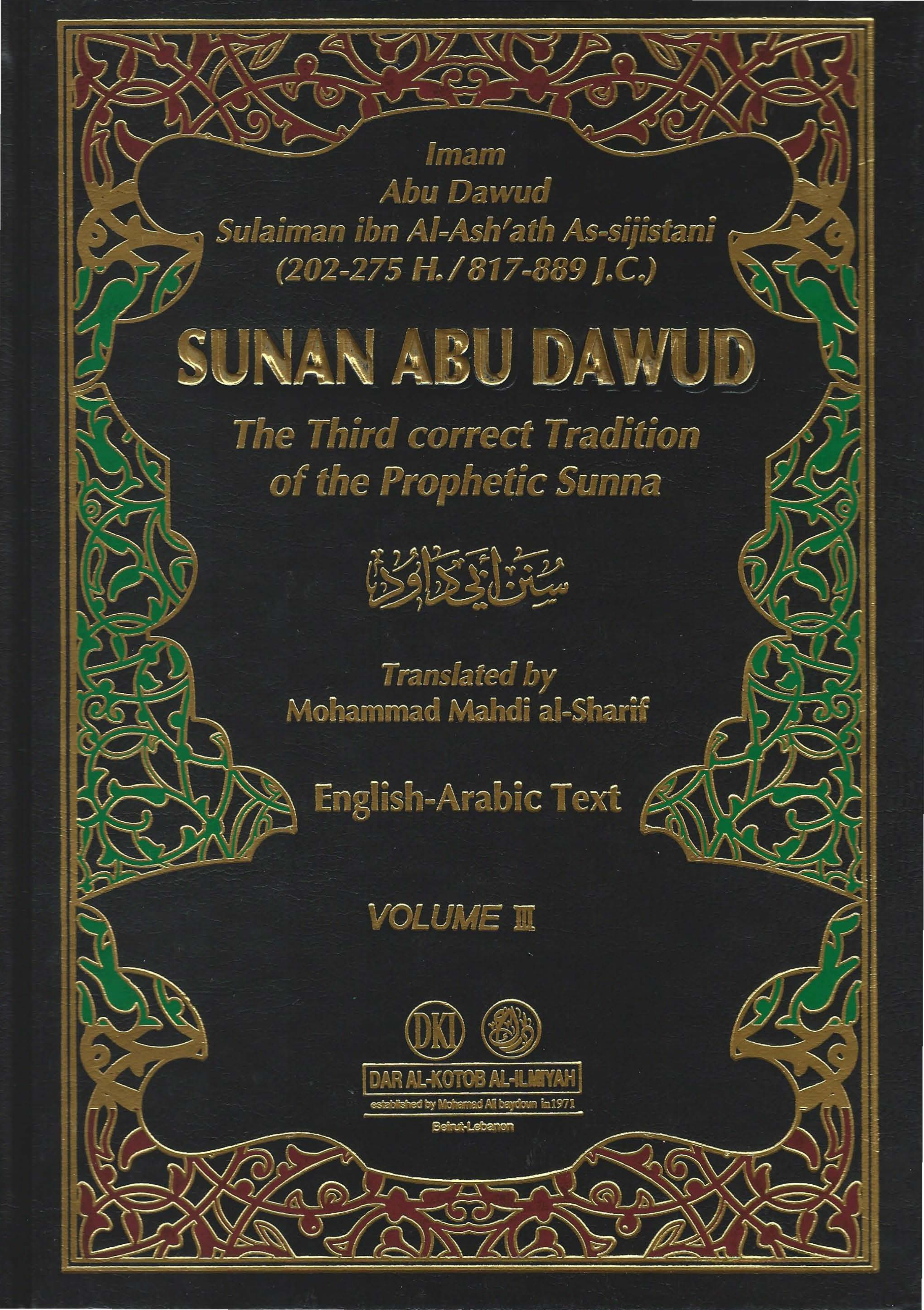
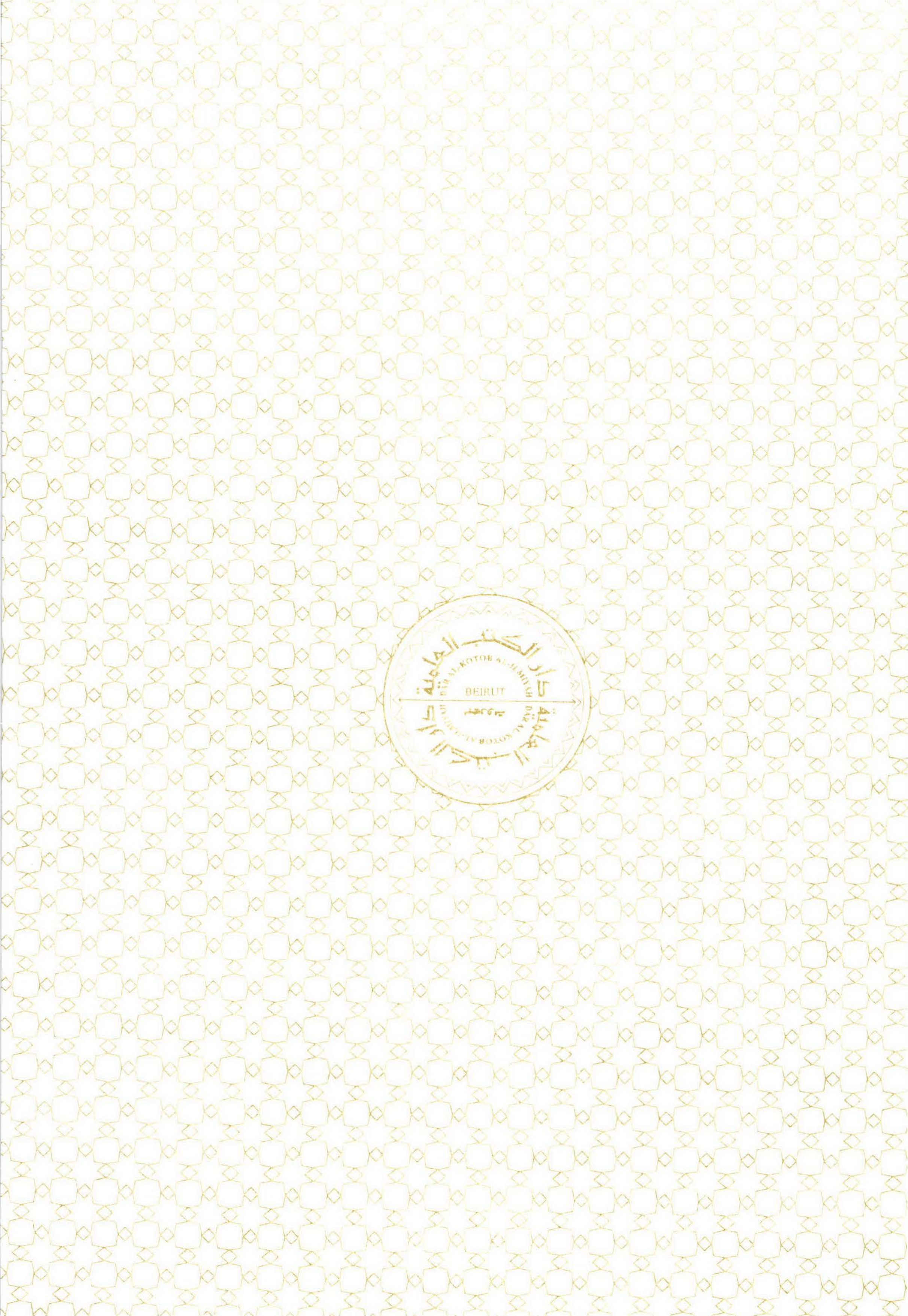

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سنن أبي داود
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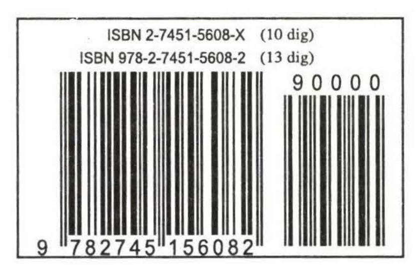
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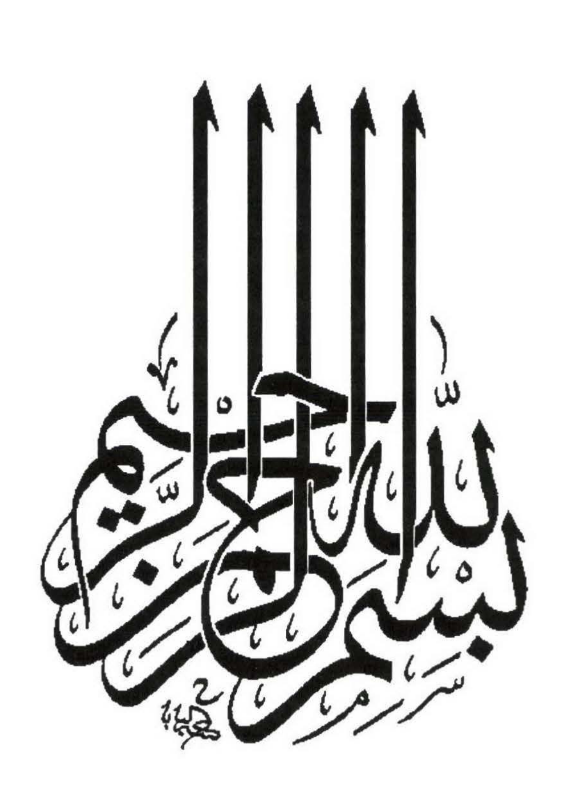
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بسم الله الرحمن الرحيم

(7/13) THE BOOK OF DIVORCE

[1] What About Such As Provokes A Woman Against Her Husband

2175- It is narrated on the authority of Abu Hurairah that the Messenger of Allah "Allah's blessing and peace be upon him" said: "He is not from us (Muslims) who provokes a woman against her husband, or a slave against his master."

[2] When A Woman Asks His Husband To Divorce One Of Her Fellow-Wives

2176- It is narrated on the authority of Abu Hurairah that he said: The Prophet "Allah's blessing and peace be upon him" said: "It is not lawful for a woman (at the time of wedding) to ask for the divorce of her (fellow-wife) sister (as a condition to have her husband) in order to have everything for herself. She will take only what has been written for her."

[3] The Undesirability Of The Divorce

2177- It is narrated on the authority of Muharib that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "Allah has never made lawful a thing, more hateful in His Sight than the divorce."

2178- It is narrated on the authority of Ibn Umar that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "The lawful thing, which Allah Almighty dislikes most, is the divorce."

[4] The Divorce In Accordance With The Sunnah

2179- It is narrated on the authority of Ibn Umar that he had divorced his wife while she was menstruating during the lifetime of Allah's Apostle "Allah's blessing and peace be upon him". Umar Ibn Al-Khattab asked Allah's Apostle "Allah's blessing and peace be upon him" about that. Allah's Apostle "Allah's blessing and peace be upon him" said: "Order him (your son) to take her back and keep her till she is clean and then to wait till she gets her next period and becomes clean again. If he wishes to keep her, he can do so. If he wishes to divorce her he can divorce her before approaching her; and that is the prescribed period fixed by Allah for the women meant to be divorced."

2180- It is narrated on the authority of Nafi' that Ibn Umar divorced his wife once while she was menstruating...and the rest is the same.

2181- It is narrated on the authority of Salim that Ibn Umar divorced his wife while she was menstruating, and when Umar made a mention of that

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

[13/7] ـ كتاب الطّلاق

[ت1/م1] ـ باب فيمن خَبَّب امرأة على زوجها

2175 ـ حدّثنا الْحَسَنُ بنُ عَلِيٍّ: حدَّثنا زَيْدُ بنُ الْحُبَابِ: حدَّثنا عَمَّارُ بنُ رُزَيْقٍ، عن عَبْدِ اللَّهِ بنِ عِيسَى، عن عِكْرِمَةَ، عن يَحْيَى بنِ يَعْمَرَ، عن أَبي هُرَيْرَةَ، قال: قال رَسُولُ اللَّهِ ﷺ: «**لَيْسَ مِنَّا مَنْ خَبَّبَ امْرَأَةً عَلَى زَوْجِهَا أو عَبْدًا عَلَى سَيِّدِهِ**».

[ت2/م2] ـ باب في المرأة تَسْأَل زوجها طلاق امرأة له

2176 ـ حدّثنا الْقَعْنَبِيُّ، عن مَالِكٍ، عن أبي الزِّنَادِ، عن الأَعْرَجِ، عن أَبي هُرَيْرَةَ قال: قال رَسُولُ اللَّهِ ﷺ: «**لاَ تَسْأَلِ الْمَرْأَةُ طَلاَقَ أُخْتِهَا لِتَسْتَفْرِغَ صَحْفَتَها، وَلِتَنْكِحَ، فإِنَّمَا لَها ما قُدِّرَ لَها**».

[ت3/م3] ـ باب في كَرَاهية الطلاق

2177 ـ حدّثنا أَحْمَدُ بنُ يُونُسَ: حدَّثنا مُعَرِّفٌ، عن مُحَارِبٍ قال: قال رَسُولُ اللَّهِ ﷺ: «**ما أَحلَّ اللَّهُ شَيْئًا أَبْغضَ إِلَيْهِ مِنَ الطَّلاَقِ**».

2178 ـ حدّثنا كَثِيرُ بنُ عُبَيْدٍ: حدثنا مُحَمَّدُ بنُ خَالِدٍ، عن مُعَرِّفِ بن وَاصِلٍ، عن مُحَارِبِ بنِ دِثَارٍ، عن ابنِ عُمَرَ، عن النَّبيِّ ﷺ قال: «**أَبْغَضُ الْحَلاَلِ إلى اللَّهِ عَزَّ وَجَلَّ الطَّلاَقُ**».

[ت4/م4] ـ باب في طلاق السُّنَّة

2179 ـ حدّثنا الْقَعْنَبِيُّ، عن مَالِكٍ، عن نافِعٍ، عن عَبْدِ اللَّهِ بنِ عُمَرَ أَنَّهُ طَلَّقَ امْرَأَتَهُ وَهِيَ حَائِضٌ عَلَى عَهْدِ رَسُولِ اللَّهِ ﷺ، فَسأَلَ عُمَرُ بنُ الْخَطَّابِ رَسُولَ اللَّهِ ﷺ عنْ ذَلِكَ فَقالَ رَسُولُ اللَّهِ ﷺ: «**مُرْهُ فَلْيُرَاجِعْهَا، ثُمَّ لِيُمْسِكْهَا حَتَّى تَطْهُرَ ثُمَّ تَحِيضَ ثُمَّ تَطْهُرَ ثُمَّ إِنْ شَاءَ أَمْسَكَ بَعْدَ ذَلِكَ وَإِنْ شَاءَ طَلَّقَ قَبْلَ أَنْ يَمسَّ، فَتِلْكَ الْعِدَّةُ الَّتي أَمَرَ اللَّهُ أَنْ تُطَلَّقَ لَهَا النِّسَاءُ**».

2180 ـ حدّثنا قُتَيْبَةُ بنُ سَعِيدٍ: حدَّثنا اللَّيْثُ، عن نَافِعٍ أَنَّ ابنَ عُمَرَ طَلَّقَ امْرَأَةً لَهُ وَهِيَ حَائِضٌ تَطْلِيقَةً بمَعْنى حَدِيثِ مَالِكٍ.

2181 ـ حدّثنا عُثْمَانُ بنُ أبي شَيْبَةَ: حدَّثنا وَكِيعٌ، عن سُفْيَانَ، عن مُحَمَّدِ بن عَبْدِ الرَّحْمَنِ مَوْلَى آلِ طَلْحَةَ، عنْ سَالِمٍ، عن ابنِ عُمَرَ: أَنَّهُ طَلَّقَ امْرَأَتَهُ وَهِيَ حَائِضٌ

to the Messenger of Allah "Allah's blessing and peace be upon him", the Messenger of Allah "Allah's blessing and peace be upon him" said to him: "Tell her to bring her back and then divorce her (if he so likes) once she gets clean or while she is pregnant."

2182- It is narrated on the authority of Salim Ibn Abdullah from his father Ibn Umar that he had divorced his wife while she was menstruating. Umar Ibn Al-Khattab made a mention of that to Allah's Apostle "Allah's blessing and peace be upon him", thereupon Allah's Apostle "Allah's blessing and peace be upon him" grew angry and said: "Order him (your son) to take her back and keep her till she is clean and then to wait till she gets her next period and then becomes clean again. If he wishes to divorce her he can divorce her while she is clean, before approaching her; and that is the prescribed period fixed by Allah for the women meant to be divorced."

2183- It is narrated on the authority of Yunus Ibn Jubair that he asked Ibn Umar: "How many times have you divorced your wife?" he said: "Only once."

2184- it is narrated on the authority of Yunus Ibn Jubair: Abu Ghallab, that he said: I asked Ibn Umar about a man who divorced his wife while she was menstruating, and he said: Do you know Abdullah Ibn Umar?" I answered in the affirmative. He resumed: "He divorced his wife once, while she was menstruating. Then, Umar went to the Messenger of Allah "Allah's blessing and peace be upon him" and asked for his verdict, thereupon he said: "Tell him to take her back (and keep her until she is clean) and then divorce her (if he so likes) at her prescribed period." I (Abu Ghallab) asked: "Was it counted (as valid one divorce)?" he (Ibn Umar) said: "Would it not be counted? What would you think if someone became helpless (to take her back) and foolish?"

2185- It is narrated on the authority of Abu Az-Zubair that Abd Ar-Rahman Ibn Aiman, the freed slave of Urwah, asked Ibn Umar, while Abu Az-Zubair was listening: "What do you think of a man who divorced his wife while she was menstruating?" he said: Ibn Umar had divorced his wife while she was menstruating during the lifetime of Allah's Apostle "Allah's blessing and peace be upon him". Umar asked Allah's Apostle " Allah's blessing and peace be upon him " about that saying: "Abdullah Ibn Umar divorced his wife, while she was menstruating (what is your religious verdict as regards this matter)?" Allah's Apostle " Allah's blessing and peace be upon him " said: "Let him (your son) take her back." He (Ibn

فذَكَرَ ذلِكَ عُمَرُ للنَّبيِّ ﷺ فقالَ رسولُ اللَّهِ ﷺ: «**مُرْهُ فَلْيُراجِعْهَا ثُمَّ لْيُطَلِّقْهَا إذَا طَهُرَتْ أوْ وَهِيَ حَامِلٌ**».

2182 ـ حدّثنا أَحْمَدُ بنُ صَالِحٍ: حدَّثنا عَنْبَسَةُ: حدَّثنا يُونُسُ، عن ابنِ شِهَابٍ، أخْبَرَني سالِمُ بنُ عَبْدِ اللَّهِ، عن أبِيهِ: أَنَّهُ طَلَّقَ امْرأَتَه وَهِيَ حَائِضٌ فذَكَرَ ذَلِكَ عُمَرُ لِرَسُولِ اللَّهِ ﷺ فتغَيَّظَ رَسُول اللَّهِ ﷺ ثُمَّ قَالَ: «**مُرْهُ فَلْيُرَاجِعْهَا ثُمَّ لْيُمْسِكْهَا حَتى تَطْهُرَ، ثُمَّ تَحِيضَ فَتَطْهُرَ ثُمَّ إنْ شَاءَ طَلَّقَهَا طَاهِرًا قَبْلَ أَنْ يَمَسَّ، فَذَلِكَ الطَّلاَقُ لِلْعِدَّةِ كما أمَرَ اللَّهُ تَعَالَى ذِكْرُهُ**».

2183 ـ حدّثنا الْحَسَنُ بنُ عَلِيٍّ: حدَّثنا عَبْدُ الرَّزَّاقِ: أخبرنا مَعْمَرٌ، عن أيُّوبَ، عن ابن سِيرِينَ: أخبرني يُونُسُ بنُ جُبَيْرٍ: «أَنَّهُ سَأَلَ ابنَ عُمَرَ فَقالَ: كَمْ طَلَّقْتَ امْرَأَتَكَ؟ فَقالَ: وَاحِدَةً».

2184 ـ حدّثنا الْقَعْنَبِيُّ: حدَّثنا يَزِيدُ ـ يَعْني ابنَ إبراهِيمَ ـ، عن مُحَمَّدِ بنِ سِيرِينَ: حَدَّثَني يُونُسُ بنُ جُبَيْرٍ قال: سألْتُ عَبْدَ اللَّهِ بنَ عُمَرَ قال: قُلْتُ: رَجُلٌ طَلَّقَ امْرَأَتَهُ وَهِيَ حائِضٌ قال: أتَعْرِفُ عَبْدَ اللَّهِ بنَ عُمَرَ؟ قُلْتُ: نَعَمْ. قالَ: فإِنَّ عَبْدَ اللَّهِ بنَ عُمَرَ طَلَّقَ امْرَأَتَهُ وَهِيَ حَائِضٌ، فَأَتَى عُمَرُ النَّبيَّ ﷺ فَسَأَلَهُ، فَقَالَ: «**مُرْهُ فَلْيُرَاجِعْهَا ثُمَّ يُطَلِّقْهَا في قُبُلِ عِدَّتِهَا**». قال: قُلْتُ: فَيَعْتَدُّ بِهَا؟ قالَ: «**فَمَهْ أرأيت إنْ عَجَزَ وَاسْتَحْمَقَ؟!**».

2185 ـ حدّثنا أَحْمَدُ بنُ صَالِحٍ: حدَّثنا عَبْدُ الرَّزَّاقِ: أخبرنا ابنُ جُرَيْجٍ: أخبرني أبو الزُّبَيْرِ أنَّهُ سَمِعَ عَبْدَ الرَّحْمَنِ بنَ أيْمَنَ مَوْلَى عُرْوَةَ يَسْأَلُ ابنَ عُمَرَ وَأَبُو الزُّبَيْرِ يَسْمَعُ قال: كَيْفَ تَرَى في رَجُلٍ طَلَّقَ امْرَأَتَهُ حَائِضًا؟ قال: طَلَّقَ عَبْدُ اللَّهِ بنُ عُمَرَ امْرَأَتَهُ وَهِيَ حَائِضٌ عَلَى عَهْدِ رَسُولِ اللَّهِ ﷺ فَسَأَلَ عُمَرُ رَسُولَ اللَّهِ ﷺ فقال: إنَّ عَبْدَ اللَّهِ بنَ عُمَرَ طَلَّقَ امْرَأَتَهُ وَهِيَ حَائِضٌ قالَ عَبْدُ اللَّهِ: فَرَدَّهَا عَلَيَّ وَلَمْ يَرَهَا شَيْئًا، وَقالَ «**إذَا طَهُرَتْ فَلْيُطَلِّقْ أَوْ لِيُمْسِكْ**». قال ابنُ عُمَرَ: وَقَرَأَ النَّبيُّ ﷺ: ﴿يَٰٓأَيُّهَا ٱلنَّبِيُّ إِذَا طَلَّقْتُمُ ٱلنِّسَآءَ

Umar) took her back. He (The Prophet) did not consider it of significance, and said: "When she becomes clean, let him divorce (her if he so wishes), or keep (her if he so wishes)." Ibn Umar said: Then, The Prophet "Allah's blessing and peace be upon him" recited: "O Prophet! When you do divorce women, divorce them at their prescribed periods, and count (accurately) their prescribed periods: and fear Allah your Lord."

Abu Dawud says: This narration is narrated by Yunus Ibn Jubair, Sa'id Ibn Jubair, Anas Ibn Sirin, Zaid Ibn Aslam, Mansur from Ibn Umar, and in all the narrations, the Messenger of Allah "Allah's blessing and peace be upon him" ordered him to bring her back and wait until she would become clean: then, he could divorce her if he so liked, or keep her if he so liked.

Abu Dawud says: It is also transmitted on the authority of both Nafi' and Salim from Ibn Umar, that the Messenger of Allah "Allah's blessing and peace be upon him" ordered him to bring her back and keep her until she would become clean, then get menses, and then become clean, and then: he could divorce her if he so liked, or keep her if he so liked.

Abu Dawud says: The same is narrated on the authority of Ata' Al-Khurasani from Al-Hasan from Ibn Umar, and all those narrations differ to some extent from that of Abu Az-Zubair.

[5] When One Brings Back His (Divorced Wife) And Takes No Witnesses

2186- It is narrated on the authority of Mutarrif Ibn Abdullah that Imran Ibn Al-Husain was asked about a man who divorced his wife, and then had sexual relation with her, and he took no witnesses to divorcing her nor did he do to bringing her back, thereupon Imran said: "You've divorced (your wife) without following the sunnah, and brought her back also without following the sunnah: take witnesses to your divorcing her, as well as to your bringing her back."

[6] The Right Way Of The Slave's Divorce

2187- It is narrated on the authority of Abu Hasan, the freed slave of Banu Nawfal that he sought the religious verdict of Ibn Abbas concerning a slave whose wife was a slave-girl, whom he divorced twice and then he was emancipated: Is it permissible for him to engage her (and marry her without getting married to another man before him)? He said: "Yes. The same judgement was given by the Messenger of Allah "Allah's blessing and peace be upon him"."

فَطَلِّقُوهُنَّ﴾ [الطلاق: 1] في قُبُلِ عِدَّتِهِنَّ.

قال أَبُو دَاوُدَ: رَوَى هَذَا الْحَدِيثَ عن ابن عُمَرَ يُونُسُ بنُ جُبَيْرٍ وَأَنَسُ بنُ سِيرِينَ وَسَعِيدُ بنُ جُبَيْرٍ وَزَيْدُ بنُ أَسْلَمَ وَأَبُو الزُّبَيْرِ وَمَنْصُورٌ عن أبي وَائِلٍ مَعْنَاهُمْ كُلُّهُمْ: «أَنَّ النَّبِيَّ ﷺ أَمَرَهُ أَنْ يُرَاجِعَهَا حَتَّى تَطْهُرَ ثُمَّ إِنْ شَاءَ طَلَّقَ وَإِنْ شَاءَ أَمْسَكَ».

قال أَبُو دَاوُدَ: وَكَذَلِكَ رَوَاهُ مُحَمَّدُ بنُ عَبْدِ الرَّحْمَنِ، عنْ سالِمٍ، عن ابن عُمَرَ وَأَمَّا رِوَايَةُ الزُّهْرِيِّ، عن سالِمٍ وَنَافِعٍ عن ابن عُمَرَ: «أَنَّ النَّبِيَّ ﷺ أَمَرَهُ أَنَّ يُرَاجِعَهَا حَتَّى تَطْهُرَ، ثُمَّ تَحِيضَ، ثُمَّ تَطْهُرَ ثُمَّ إِنْ شَاءَ طَلَّقَ وإن شاءَ أَمْسَكَ».

قال أَبُو دَاوُدَ: وَرُوِيَ عنْ عَطَاءِ الْخَرَسَانِيِّ، عَنِ الحَسَنِ، عَنِ ابنِ عُمَرَ نَحْوَ رِوَايَةِ نَافِعٍ وَالزُّهْرِيِّ وَالأَحَادِيثُ كُلُّهَا عَلَى خِلاَفِ مَا قالَ أَبُو الزُّبَيْرِ.

[ت5/م5] ـ باب الرَّجل يُرَاجِع ولا يُشهد

2186 ـ حدّثنا بِشْرُ بنُ هِلاَلٍ، أَنَّ جَعْفَرَ بنَ سُلَيْمَانَ حَدَّثَهُمْ، عنْ يَزِيدَ الرِّشْكِ، عن مُطَرِّفِ بنِ عَبْدِ اللَّهِ: «أَنَّ عِمْرَانَ بنَ حُصَيْنٍ سُئِلَ عَنِ الرَّجُلِ يُطَلِّقُ امْرَأَتَهُ ثُمَّ يَقَعُ بِهَا وَلَمْ يُشْهِدْ عَلَى طَلاَقِهَا وَلاَ عَلَى رَجْعَتِهَا؟ فَقالَ: طَلَّقْتَ لِغَيْرِ سُنَّةٍ وَرَاجَعْتَ لِغَيْرِ سُنَّةٍ، أَشْهِدْ عَلَى طَلاَقِهَا وَعَلَى رَجْعَتِهَا وَلاَ تَعُدْ».

حَدَّثنا أحمدُ بن محمَّد المَرْوَزِيُّ: حدثني عليُّ بن الحسين بن واقد، عن أبيه، عن يَزِيد النَّحْوي، عن عِكْرِمَةَ، عن ابنِ عبَّاس قال: ﴿وَٱلْمُطَلَّقَٰتُ يَتَرَبَّصْنَ بِأَنفُسِهِنَّ ثَلَٰثَةَ قُرُوٓءٍ وَلَا يَحِلُّ لَهُنَّ أَن يَكْتُمْنَ مَا خَلَقَ ٱللَّهُ فِىٓ أَرْحَامِهِنَّ﴾ الآية [البقرة: 228] وذلك أنَّ الرَّجل كان إذا طَلَّقَ امرأتَه فهو أحَقُّ برجْعَتِها وإنْ طَلَّقَها ثلاثاً، فَنَسِخَ ذلك فقال: ﴿ٱلطَّلَٰقُ مَرَّتَانِ﴾ [البقرة: 229].

[ت6/م6] ـ باب في سُنَّة طلاق العبد

2187 ـ حدّثنا زُهَيْرُ بنُ حَرْبٍ: حدَّثنا يَحْيَى ـ يَعْنِي ابْنَ سعَيدٍ ـ: حدَّثنا عَلِيُّ بن الْمُبَارَكِ: حَدَّثَنِي يَحْيَى بنُ أبي كَثِيرٍ أَنَّ عُمَرَ بْنَ مُعَتِّبٍ أَخْبَرَهُ أَنَّ أَبَا حَسَن مَوْلَى بَنِي نَوْفَلٍ أَخْبَرَهُ أَنَّهُ اسْتَفْتَى ابنَ عَبَّاسٍ في مَمْلُوكٍ كَانَتْ تَحْتَهُ مَمْلُوكَةٌ فَطَلَّقَهَا تَطْلِيقَتَيْنِ ثُمَّ عُتِقَا بَعْدَ ذَلِكَ هَلْ يَصْلُحُ لَهُ أَنْ يَخْطُبَهَا؟ قال: نَعَمْ، قَضَى بِذَلِكَ رَسُولُ اللَّهِ ﷺ.

2188- The same is narrated on the authority of Uthman Ibn Umar from Ali through the same chain of transmission, in which Ibn Abbas said: "There remains one (divorce) for you (since you now have become free): this is the same judgement passed by the Messenger of Allah "Allah's blessing and peace be upon him"."

Abu Dawud says: I heard Ahmad Ibn Hanbal having related that Ibn Al-Mubarak asked Mu'ammar: "Who is this Abu Al-Hasan? No doubt, he has brought upon himself a heavy burden (by that narration)."

Abu Dawud says: Abu Al-Hasan is one of the transmitters from whom Az-Zuhri related many narrations, and he described him as one of the religious jurists. Although he is famous, this narration is not acted upon.

2189- It is narrated on the authority of A'ishah that she said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "The divorce of a slave-girl (becomes irrevocable when it) is pronounced twice, and her term of Iddat is of two monthly courses."

Abu Dawud says: A Hadith like this is narrated on the authority of Al-Qasim from A'ishah from the Messenger of Allah "Allah's blessing and peace be upon him", with a slight variation of wording. But Abu Dawud says that this narration is not famous.

[7] What About Pronouncing Divorce Before Marriage

2190- It is narrated on the authority of Amr Ibn Shu'aib from his father from his grandfather that the Messenger of Allah "Allah's blessing and peace be upon him" said: "One could not divorce such as is not in his possession, nor could one emancipate what is not in his possession, nor could one sell anything that is not in his possession, nor could one fulfill a vow that is not in his possession." (I.e. one could not divorce a woman before he marries her)

2191- The same is narrated on the authority of Amr Ibn Shu'aib through the same chain of transmitters, with the following addition: "And he who takes an oath to do (an act of) disobedience, his oath is invalid; and he who takes an oath to sever a relation of kinship, his oath is futile."

2192- It is narrated on the authority of Amr Ibn Shu'aib from his father from his grandfather that the Messenger of Allah "Allah's blessing and peace be upon him" said the same, with the following addition: "And none could make a vow except in that therewith Allah's Countenance is sought."

2188 ـ حدّثنا مُحَمَّدُ بنُ الْمُثَنَّى: حدَّثنا عُثْمَانُ بنُ عُمَرَ: أخبرنا عَلِيٌّ بِإِسْنَادِهِ وَمَعْنَاهُ بِلاَ إِخْبَارٍ.

قال ابنُ عَبَّاسٍ: بَقِيَتْ لَكَ وَاحِدَةٌ قَضَى بِهِ رَسُولُ اللَّهِ ﷺ.

قال أَبُو دَاوُدَ: سَمِعْتُ أَحْمَدَ بنَ حَنْبَلٍ قال: قال عَبْدُ الرَّزَّاقِ: قال ابنُ الْمُبَارَكِ لِمَعْمَرٍ: مَنْ أَبُو الْحَسَنِ هَذَا؟ لَقَدْ تَحَمَّلَ صَخْرَةً عَظِيمَةً.

قال أَبُو دَاوُدَ: أَبُو الْحَسَنِ هَذَا رَوَى عَنْهُ الزُّهْرِيُّ.

قال الزُّهْرِيُّ: وكَان مِنَ الْفُقَهَاءِ رَوَى الزُّهْرِيُّ، عن أَبي الْحَسَنِ أَحَادِيثَ.

قال أَبُو دَاوُدَ: أَبُو الْحَسَنِ مَعْرُوفٌ وَلَيْسَ الْعَمَلُ عَلَى هَذَا الْحَدِيثِ.

2189 ـ حدّثنا مُحَمَّدُ بنُ مَسْعُودٍ: حدَّثنا أَبُو عَاصِمٍ، عن ابنِ جُرَيْجٍ، عن مُظَاهِرٍ، عن الْقَاسِمِ بنِ مُحَمَّدٍ، عن عَائِشَةَ، عن النَّبيِّ ﷺ قال: **«طَلاَقُ الأَمَةِ تَطْلِيقَتَانِ وَقَرْؤُهَا حَيْضَتَانِ»**.

قال أَبُو عَاصِمٍ: حَدَّثَني مُظَاهِرٌ: حَدَّثَني الْقَاسِمُ، عن عَائِشَةَ، عن النَّبيِّ ﷺ مِثْلَهُ إلاَّ أَنَّهُ قال: **«وَعِدَّتُهَا حَيْضَتَانِ»**.

قال أَبُو دَاوُدَ: هُوَ حَدِيثٌ مَجْهُولٌ.

[ت7/م7] ـ باب في الطَّلاق قبل النِّكاح

2190 ـ حدّثنا مُسْلِمُ بنُ إبراهِيمَ: حدَّثنا هِشَامٌ. (ح)، وَحدثنا ابنُ الصَّبَّاحِ: حدَّثنا عَبْدُ الْعَزِيزِ بنُ عَبْدِ الصَّمَدِ قالاَ: حدَّثنا مَطَرٌ الْوَرَّاقُ، عن عَمْرِو بنِ شُعَيْبٍ، عن أَبِيه، عن جَدِّهِ أَنَّ النَّبيَّ ﷺ قال: **«لا طَلاَقَ إلاَّ فِيمَا تَمْلِكُ، وَلا عِتْقَ إلاَّ فِيمَا تَمْلِكُ، وَلا بَيْعَ إلا فِيمَا تَمْلِكُ»**.

زَادَ ابْنُ الصَّبَّاحِ: **«وَلاَ وَفَاءَ نَذْرٍ إلا فِيمَا تَمْلِكُ»**.

2191 ـ حدّثنا مُحَمَّدُ بنُ الْعَلاَءِ: أخبرنا أَبُو أَسَامَةَ، عن الْوَلِيدِ بنِ كَثِيرٍ: حَدَّثَني عَبْدُ الرَّحْمَنِ بنُ الحارِثِ، عن عَمْرِو بنِ شُعَيْبٍ بِإِسْنَادِهِ وَمَعْنَاهُ زَادَ: **«وَمَنْ حَلَفَ عَلَى مَعْصِيَةٍ فَلاَ يَمِينَ لَهُ، وَمَنْ حَلَفَ عَلَى قَطِيعَةِ رَحِمٍ فَلاَ يَمِينَ لَهُ»**.

2192 ـ حدّثنا ابنُ السَّرْحِ: حدَّثنا ابنُ وَهْبٍ، عن يَحْيَى بنِ عَبْدِ اللَّهِ بنِ سالِمٍ، عن عَبْدِ الرَّحْمَنِ بنِ الحارِثِ الْمَخْزُومِيِّ، عن عَمْرِو بنِ شُعَيْبٍ، عن أَبِيهِ، عن جَدِّهِ أَنَّ النَّبيَّ ﷺ قال في هَذَا الْخَبرِ زَادَ: **«وَلا نَذْرَ إلاَّ فِيمَا ابْتُغِيَ بِهِ وَجْهُ اللَّهِ تَعَالَى ذِكْرُهُ»**.

[8] What About Pronouncing Divorce While Being Angry

2193- It is narrated on the authority of Muhammad Ibn Ubaid Ibn Abu Salih that he said: I set out in the company of Adi Ibn Adi Al-Kindi, and when we reached Mecca, he sent me to Safiyyah Bint Shaibah, who had learnt (many narrations) from A'ishah. She said: I heard A'ishah having said: I heard the Messenger of Allah "Allah's blessing and peace be upon him" having said: "There is no (pronouncement to be valid for) divorce nor emancipation while one is in the state of anger (or is under compulsion)."

[9] Pronouncing Divorce By Way Of Jest

2194- It is narrated on the authority of Abu Hurairah that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "There are three things, in connection with which both jest and solemnity should be regarded as serious: marriage, divorce, and taking back (one's wife after divorcing her)."

[10] The Abrogation Of The Matter Of Bringing Back (One's Wife) After The Three Pronouncements Of Divorce

2195- It is narrated on the authority of Ibn Abbas concerning Allah's saying: "Divorced women shall wait concerning themselves for three monthly periods. It is not lawful for them to hide what Allah hath created in their wombs...": It was the habit that if one divorced his wife, he had more claim to take her back, even in case he divorced her thrice. Then, this was abrogated by Allah's saying: "A divorce is only permissible twice: after that, the parties should either hold together on equitable terms, or separate with kindness...".

2196- It is narrated on the authority of Ibn Abbas that he said: Abd Yazid, the father of Rukanah and his brothers, divorced the mother of Rukanah, and married another woman belonging to (the tribe of) Muzainah. She came to the Messenger of Allah "Allah's blessing and peace be upon him" and said: "He avails me naught more than this single hair of mine does (pointing to some hair she took from her head, in reference to his being sexually impotent): so, part us from one another." On that the Messenger of Allah "Allah's blessing and peace be upon him" was provoked by fury, and he invited Rukanah and his brothers and said to his sitters: "Do you see how so and so (a son of Abd Yazid) has such and such resemblance to so and so, i.e. Abd Yazid (his father), and how so and so (his brother) has such and such resemblance to so and so (i.e. his father and brothers, which affirms his sexual power, in opposition to what this woman alleges)?" they answered in the affirmative. The Messenger of Allah

[ت8/م8] ـ باب في الطَّلاق على الغَلَط

2193 ـ حدّثنا عُبَيْدُ اللَّهِ بنُ سَعْدٍ الزُّهْرِيُّ، أن يَعْقُوبَ بنَ إبراهِيمَ حَدَّثَهُمْ: حدَّثنا أبي، عن ابنِ إسْحَاقَ، عن ثَوْرِ بنِ يَزِيدَ الْحِمْصِيِّ، عن مُحَمَّدِ بنِ عُبَيْدِ بنِ أبي صَالحٍ الَّذِي كان يَسْكُنُ إيليا قال: خَرَجْتُ مَعَ عَدِيِّ بنِ عَدِيٍّ الْكِنْدِيِّ حتى قَدِمْنَا مَكَّةَ فَبَعَثَنِي إلى صَفِيَّةَ بِنْتِ شَيْبَةَ وكَانتْ قَدْ حَفِظَتْ من عَائِشَةَ قالتْ: سَمِعْتُ عَائِشَةَ تقُولُ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يقُولُ: «**لا طَلاَقَ وَلا عِتَاقَ في غِلاَقٍ**».

قال أَبُو دَاوُدَ: الْغِلاَقُ أَظُنُّهُ في الْغَضَبِ.

[ت9/م9] ـ باب في الطَّلاق على الهَزْل

2194 ـ حدّثنا الْقَعْنَبِيُّ: حدَّثنا عَبْدُ الْعَزِيزِ ـ يَعني ابنَ مُحمَّدٍ ـ، عن عَبْدِ الرَّحْمَنِ بنِ حبيبٍ، عن عَطَاءِ بنِ أبي رَبَاحٍ، عن ابنِ مَاهَكَ، عن أَبي هُرَيْرَةَ أَنَّ رَسُولَ اللَّهِ ﷺ قال: «**ثَلاَثٌ جِدُّهُنَّ جِدٌّ وَهَزْلُهُنَّ جِدٌّ: النِّكَاحُ والطَّلاَقُ والرَّجْعَةُ**».

[ت10/م9 ، 10] ـ باب نَسْخ المراجعة بعد التطليقات الثلاث

2195 ـ حدّثنا أَحْمَدُ بنُ مُحَمَّدٍ المروزِيُّ: حَدَّثَني عَلِيُّ بنُ حُسَيْنِ بنِ وَاقِدٍ، عنْ أبِيهِ، عن يَزِيدَ النَّحْوِيِّ، عنْ عِكْرِمَةَ، عن ابنِ عَبَّاسٍ قال: ﴿**وَٱلْمُطَلَّقَٰتُ يَتَرَبَّصْنَ بِأَنفُسِهِنَّ ثَلَٰثَةَ قُرُوٓءٍ وَلَا يَحِلُّ لَهُنَّ أَن يَكْتُمْنَ مَا خَلَقَ ٱللَّهُ فِىٓ أَرْحَامِهِنَّ**﴾ [البقرة: 228] الآية. وَذَلِكَ أَنَّ الرَّجلَ كَانَ إذَا طَلَّقَ امْرَأَتَهُ فَهُوَ أَحَقُّ بِرَجْعَتِهَا وَإِنْ طَلَّقَهَا ثَلاَثًا، فَنُسِخَ ذَلِكَ فقال: ﴿**ٱلطَّلَٰقُ مَرَّتَانِ**﴾ [البقرة: 229] الآية.

2196 ـ حدّثنا أَحْمَدُ بنُ صَالحٍ: حدَّثنا عَبْدُ الرَّزَّاقِ: أخبرنا ابنُ جُرَيْجٍ: أخبرني بَعْضُ بَنِي أبي رَافِعٍ مَوْلَى النَّبيِّ ﷺ، عن عِكْرِمَةَ مَوْلَى ابنِ عَبَّاسٍ، عن ابنِ عَبَّاسٍ قال: «طَلَّقَ عَبْدُ يَزِيدَ أبو رُكَانَةَ وإخوتِهِ أُمَّ رُكَانَةَ وَنَكَحَ امْرَأَةً مِنْ مُزَيْنَةَ، فَجَاءَتِ النَّبيَّ ﷺ فقالتْ: ما يُغْنِي عَنِّي إلاَّ كَمَا تُغْنِي هَذِهِ الشَّعْرَةُ لِشَعْرَةٍ أَخَذَتْهَا من رَأْسِها فَفَرِّقْ بَيْنِي وَبَيْنَهُ، فأَخَذَتِ النَّبيَّ ﷺ حَمِيَّةٌ فَدَعَا بِرُكَانَةَ وَإِخْوَتِهِ ثُمَّ قال لِجُلَسَائِهِ: «**أَتَرَوْنَ فُلاَنًا يُشْبِهُ مِنْهُ كَذَا وَكَذَا مِنْ عَبْدِ يَزِيدَ، وَفُلاَنًا يُشْبِهُ مِنْهُ كَذَا وَكَذَا؟**»، قالُوا: نَعَمْ، قال النَّبيُّ ﷺ لِعَبْدِ يَزِيدَ: «**طَلِّقْهَا**»، فَفَعَلَ، قال: «**رَاجِعِ امْرَأَتَكَ أُمَّ رُكَانَةَ وَإِخْوَتِهِ**» فقال: إنِّي طَلَّقْتُهَا ثَلاَثًا يَا رَسُولَ اللَّهِ، قال: «**قَدْ عَلِمْتُ**

"Allah's blessing and peace be upon him" ordered him to divorce her (whom he married later) and he did accordingly. The Messenger of Allah "Allah's blessing and peace be upon him" said to him: "Take back your (divorced) wife the mother of Rukanah and his brothers." He said: "O Messenger of Allah! I've divorced her with three (pronouncements at one time)!" he said: "I know that (i.e. that you have divorced her with three pronouncements at one time, which should be regarded as one divorce): take her back!" then he recited: "O Prophet! When you do divorce women, divorce them at their prescribed periods, and count (accurately) their prescribed periods: and fear Allah your Lord."

Abu Dawud says: The narration of Nafi' Ibn Ujail and Abdullah Ibn Ali Ibn Yazid Ibn Rukanah from his father from his grandfather 'that Rukanah divorced his wife with three pronouncements (at one time) , thereupon the Messenger of Allah "Allah's blessing and peace be upon him" brought her back to him' is more correct: that's because they are the offspring of the man, who had better knowledge of him. It seemed that Rukanah divorced his wife thrice simultaneously, but the Messenger of Allah "Allah's blessing and peace be upon him" regarded it as only once.

2197- It is narrated on the authority of Mujahid that he said: I was sitting with Ibn Abbas when a man came to him and told him that he had divorced his wife thrice; and he (Ibn Abbas) kept silent so long that I thought he would bring her back to him. But he said: "Anyone of you might go and behave foolishly and then come to say: "O Ibn Abbas! O Ibn Abbas! (find a way out for me)" no doubt, Allah Almighty says: "And for those who fear Allah, He (ever) prepares a way out", and it seemed you have observed no fear of Allah Almighty, and thus, there is no way out I could find for you. You've disobeyed your Lord, and your wife has been divorced irrevocably, and Allah Almighty says in that respect: "O Prophet! When you do divorce women, divorce them at their prescribed periods, and count (accurately) their prescribed periods: and fear Allah your Lord.""

Abu Dawud says: The same is narrated on the authority of Ibn Abbas, through different chains of transmitters, and all agree on the fact that if the divorce is pronounced thrice it becomes irrevocable.

Abu Dawud says: It is narrated on the authority of Ibn Abbas that he said: "If you say to your wife: "You are divorced thrice", it should be regarded as one divorce."

2198- It is narrated on the authority of Muhammad Ibn Iyas that Ibn Abbas, Abu Hurairah, and Abdullah Ibn Amr Ibn Al-As were asked about

رَاجِعْها» وَتَلاَ: ﴿يَٰٓأَيُّهَا ٱلنَّبِيُّ إِذَا طَلَّقْتُمُ ٱلنِّسَآءَ فَطَلِّقُوهُنَّ لِعِدَّتِهِنَّ﴾» [الطلاق: 1].

قال أَبُو دَاوُدَ: وَحَدِيثُ نَافِعِ بنِ عُجَيْرٍ وعَبْدِ اللَّهِ بنِ عَلِيِّ بنِ يَزِيدَ بنِ رُكَانَةَ عن أبِيهِ، عن جَدِّهِ أَنَّ رُكَانَةَ طَلَّقَ امْرَأَتَهُ الْبَتَّةَ فَرَدَّهَا إِلَيْهِ النَّبيُّ ﷺ أَصَحُّ، لأنَّ وَلَدَ الرَّجُلِ وَأَهْلَهُ أَعْلَمُ بِهِ، إنَّ رُكَانَةَ إِنَّمَا طَلَّقَ امْرَأَتَهُ الْبَتَّةَ فَجعَلَهَا النَّبيُّ ﷺ وَاحِدَةً.

2197 ـ حدّثنا حُمَيْدُ بنُ مَسْعَدَةَ: حدَّثنا إِسْمَاعِيلُ: أخبرنا أَيُّوبُ، عن عَبْدِ اللَّهِ بنِ كَثيرٍ، عن مُجَاهِدٍ قال: «كُنْتُ عِنْدَ ابنِ عَبَّاسٍ فَجَاءَهُ رَجُلٌ فقال إِنَّهُ طَلَّقَ امْرَأَتَهُ ثَلاَثًا، قال: فَسَكَتَ حتى ظَنَنْتُ أَنَّهُ رَادُّهَا إِلَيْهِ، ثُمَّ قال: يَنْطَلِقُ أَحَدُكُم فيَرْكَبُ الْحُموقَةَ ثُمَّ يقُولُ: يا ابنَ عَبَّاسٍ، يا ابنَ عَبَّاسٍ، وَإِنَّ اللَّهَ قال: ﴿وَمَن يَتَّقِ ٱللَّهَ يَجْعَل لَّهُۥ مَخْرَجًا ۝٢﴾ [الطلاق: 2] وَإِنَّكَ لم تَتَّقِ اللَّهَ فَلاَ أَجِدُ لَكَ مَخْرَجًا، عَصَيْتَ رَبَّكَ وَبَانَتْ مِنْكَ امْرَأَتُكَ، وَإِنَّ اللَّهَ قال: ﴿يَٰٓأَيُّهَا ٱلنَّبِيُّ إِذَا طَلَّقْتُمُ ٱلنِّسَآءَ فَطَلِّقُوهُنَّ﴾ في قُبُلِ عِدَّتِهِنَّ».

قال أَبُو دَاوُدَ: رَوَى هَذَا الحديثَ حُمَيْدٌ الأَعْرَجُ وَغَيْرُهُ، عن مُجَاهِدٍ، عن ابنِ عَبَّاسٍ. وَرَوَاهُ شُعْبَةُ، عن عَمْرِو بنِ مُرَّةَ، عن سَعِيدِ بنِ جُبَيْرٍ، عن ابنِ عَبَّاسٍ. وأيوبُ وَابنُ جُرَيْجٍ جَمِيعًا، عن عِكْرِمَةَ بنِ خَالِدٍ، عن سَعِيدِ بنِ جُبَيْرٍ، عن ابنِ عَبَّاسٍ. وَابْنُ جُرَيجٍ، عن عَبْدِ الْحَمِيدِ بنِ رَافِعٍ، عن عَطَاءٍ، عن ابنِ عَبَّاسٍ. وَرَوَاهُ الأَعمَشُ عن مَالِكِ بنِ الحارِثِ، عن ابنِ عَبَّاسٍ. وَابنُ جُرَيجٍ، عن عَمْرِو بنِ دِينَارٍ عن ابنِ عَبَّاسٍ، كُلُّهُمْ قالُوا في الطَّلاَقِ الثَّلاَثِ أَنَّهُ أَجَازَهَا، قال: «وَبَانَتْ مِنْكَ» نَحْوَ حَدِيثِ إِسْمَاعِيلَ عن أَيُّوبَ عن عَبْدِ اللَّهِ بن كثِيرٍ.

قال أَبُو دَاوُدَ: وَرَوَى حَمادُ بنُ زَيْدٍ، عن أَيُّوبَ، عن عِكْرِمَةَ، عن ابنِ عَبَّاسٍ: «إِذَا قال أَنْتِ طَالِقٌ ثَلاَثًا» بِفَمٍ وَاحِدٍ فِهِيَ وَاحِدَةٌ. وَرَوَاهُ إِسْمَاعِيلُ بنُ إبراهِيمَ، عن أَيُّوبَ، عن عِكْرِمَةَ هَذَا قَوْلُهُ وَلم يَذْكُرْ ابنَ عَبَّاسٍ وَجعَلَهُ قَوْلَ عِكْرِمَةَ.

2198 ـ قال أبو داودَ: وصَارَ قَوْلُ ابنُ عَبَّاسٍ فِيمَا حدثنا أَحْمَدُ بنُ صَالحٍ وَمُحَمَّدُ بنُ يَحْيَى، وَهَذَا حَدِيثُ أَحْمَدَ قالاَ: حدَّثنا عَبْدُ الرَّزَّاقِ، عن مَعْمَرٍ، عن الزُّهْرِيِّ، عن أبي سَلَمَةَ بنِ عَبْدِ الرَّحْمَنِ بنِ عَوْفٍ. وَمُحَمَّدُ بنُ عَبْدِ الرَّحْمَنِ بنِ

such as divorced his wife thrice, and all gave the verdict that she would remain unlawful for him (to remarry) until she got married to another man.

Abu Dawud says: It is narrated on the authority of Mu'awiyah Ibn Abu Ayyash that he was present when Muhammad Ibn Iyas Ibn Bukair came to both Ibn Az-Zubair and Asim Ibn Umar and asked them about that, and they said to him: "Go to Ibn Abbas and Abu Hurairah, for we've just left them sitting with A'ishah"...and the rest is the same.

Abu Dawud says: As to the statement of Ibn Abbas, that "the divorce of a woman which is pronounced thrice becomes irrevocable, whether marriage was or was not consummated with her before it; and that she is unlawful for him to remarry until she gets married to another person", it seemed that Ibn Abbas retracted from it.

2199- It is narrated on the authority of Tawus that a man called Abu As-Sahba' used to ask Ibn Abbas so many questions. He said to him: "Have you learnt that during the lifetime of the Messenger of Allah "Allah's blessing and peace be upon him", then (the caliphate of) Abu Bakr and a portion of the caliphate of Umar, if a man divorced his wife thrice before he consummated marriage with her, it would be regarded as once?" Ibn Abbas said: "Yes. during the lifetime of the Messenger of Allah "Allah's blessing and peace be upon him", then (the caliphate of) Abu Bakr and a portion of the caliphate of Umar, if a man divorced his wife thrice before he consummated marriage with her, it would be regarded as once? But, when he (Umar) saw that the people were involved in it so much exceedingly, he said: "Regard it as irrevocable for them."

2200- It is narrated on the authority of Tawus that Ibn As-Sahba' said to Ibn Abbas: "Do you not learn that during the lifetime of the Messenger of Allah "Allah's blessing and peace be upon him", then (the caliphate of) Abu Bakr and the first three (years) of the caliphate of Umar, the three (pronouncements of) divorce was considered as one (in case the marriage was not consummated)?" he answered in the affirmative.

[11] The Intention While Pronouncing The Word Of Divorce

2201- It is narrated on the authority of Umar Ibn Al-Khattab that he said: I heard The Messenger of Allah "Allah's blessing and peace be upon him" having said: "(The validity and reward of) deeds depend upon intentions, and every person gets but what he has intended. So, whoever emigrated to Allah and His Messenger, then, his migration would be regarded for Allah and His Messenger; and whoever emigrated for worldly benefits, or for a woman to marry, his migration is for what he emigrated for."

ثَوْبَانَ، عن مُحَمَّدِ بنِ إِيَاسٍ أَنَّ ابنَ عَبَّاسٍ وَأَبَا هُرَيْرَةَ وَعَبْدَ اللَّهِ بنَ عَمْرِو بنِ الْعَاصِ سُئِلُوا عن الْبِكْرِ يُطَلِّقُهَا زَوْجُهَا ثلاثًا فكُلُّهُمْ قال: لا تَحِلُّ لَهُ حتى تَنكِحَ زَوْجًا غَيْرَهُ.

قال أَبُو دَاوُدَ: وَرَوَى مَالِكٌ، عن يَحْيَى بنِ سَعِيدٍ، عن بُكَيْرِ بنِ الأَشَجِّ، عن مُعَاوِيَةَ بنِ أبي عَيَّاشٍ أَنَّهُ شَهِدَ هَذِهِ الْقِصَّةَ حِينَ جَاءَ مُحَمَّدُ بنُ إِيَاسِ بن الْبُكَيْرِ إلى ابن الزُّبَيْرِ، وَعَاصِمِ بن عُمَرَ فَسَأَلَهُما عن ذَلِكَ فقالاَ: اذْهَبْ إلى ابنِ عَبَّاسٍ وَأَبي هُرَيْرَةَ فإِنِّي تَرَكْتُهُمَا عِنْدَ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا، ثُمَّ سَاقَ هَذَا الْخَبَرَ.

قال أَبُو دَاوُدَ: وَقَوْلُ ابنِ عَبَّاسٍ هُوَ أَنَّ الطَّلاَقَ الثَّلاَثَ تَبِينُ مِنْ زَوْجِهَا مَدْخُولاً بِهَا أَوْ غَيْرَ مَدْخُولٍ بِهَا لا تَحِلُّ لَهُ حتى تَنْكِحَ زَوْجًا غَيْرَهُ، هَذَا مِثْلُ خَبَرِ الصَّرْفِ قال فِيهِ: ثُمَّ إِنَّهُ رَجَعَ عَنْهُ ـ يعني ابن عَبَّاسٍ ـ.

2199 ـ حدّثنا مُحَمَّدُ بنُ عَبْدِ المَلِكِ بنِ مَرْوَانَ: حدَّثنا أَبُو النُّعْمَانِ: حدَّثنا حَمَّادُ بنُ زَيْدٍ، عن أَيُّوبَ، عن غَيْرِ وَاحِدٍ عن طَاوسٍ: «أَنَّ رَجُلاً يُقالُ لَهُ أَبُو الصَّهْبَاءِ: كَانَ كَثِيرَ السُّؤالِ لابن عَبَّاسٍ قال: أَمَا عَلِمْتَ أَنَّ الرَّجُلَ كَانَ إِذَا طَلَّقَ امْرَأَتَهُ ثَلاَثًا قَبْلَ أَنْ يَدْخُلَ بِهَا جَعَلُوهَا وَاحِدَةً عَلَى عَهْدِ رَسُولِ اللَّهِ ﷺ وَأَبي بَكْرٍ وَصَدْرًا مِنْ إِمَارَةِ عُمَرَ؟ قال ابنُ عَبَّاسٍ: بَلَى كَانَ الرَّجُلُ إذا طَلَّقَ امْرَأَتَهُ ثلاثًا قَبْلَ أَنْ يَدْخُلَ بِهَا جَعَلُوهَا وَاحِدَةً عَلَى عَهْدِ رَسُولِ اللَّهِ ﷺ وأبي بَكْرٍ وَصَدْرًا من إِمَارَةِ عُمَرَ، فَلمَّا رَأَى النَّاسَ قَدْ تَتَابَعُوا فيهَا قال: أَجِيزُوهُنَّ عَلَيْهِمْ».

2200 ـ حدّثنا أَحْمَدُ بنُ صَالِحٍ: حدَّثنا عَبْدُ الرَّزَّاقِ: حدَّثنا ابنُ جُرَيجٍ: أخبرني ابنُ طَاوُسٍ، عن أَبِيهِ أَنَّ أبا الصَّهْبَاءِ قال لابنِ عَبَّاسٍ: «أَتَعْلَمُ أَنَّمَا كَانَتْ الثَّلاَثُ تُجْعَلُ وَاحِدَةً عَلَى عَهْدِ النَّبيِّ ﷺ وَأبي بَكْرٍ وَثَلاَثًا مِنْ إِمَارَةِ عُمَرَ؟ قال ابنُ عَبَّاسٍ: نَعَمْ».

[ت11/م10 ، 11] ـ باب في ما عُنِيَ به الطَّلاقُ والنِّيَّات

2201 ـ حدّثنا مُحَمَّدُ بنُ كَثِيرٍ: أخبرنا سُفْيَانُ: حَدَّثَني يَحيَى بنُ سَعِيدٍ، عن مُحَمَّدِ بنِ إبراهِيمَ التَّيْمِيِّ، عن عَلْقَمَةَ بنِ وَقَّاصٍ اللَّيْثِيِّ قال: سَمِعْتُ عُمَرَ بنَ الْخَطَّابِ يقُولُ: قال رَسُولُ اللَّهِ ﷺ: «**إِنَّمَا الأعمَالُ بالنِّيَّاتِ وَإِنَّمَا لكلِ امْرِىءٍ ما نَوَى، فَمنْ كَانَتْ هِجْرَتُهُ إلى اللَّهِ وَرَسُولِهِ فَهِجْرَتُهُ إلى اللَّهِ وَرَسُولِهِ، وَمَنْ كَانَتْ هِجْرَتُهُ لِدُنْيَا يُصِيبُهَا أو امْرَأةٍ يَتَزَوَّجُهَا فَهِجْرَتُهُ إلى مَا هَاجَرَ إِلَيْهِ**».

2202- It is narrated on the authority of Abdullah Ibn Ka'b Ibn Malik, and he was the guide of Ka'b from amongst his sons when he became blind, that Ka'b Ibn Malik said...and he mentioned the story of Tabuk and said: When forty out of the fifty nights elapsed, behold ! There came to me the messenger of The Messenger of Allah "Allah's blessing and peace be upon him" and said: "The Messenger of Allah "Allah's blessing and peace be upon him" orders you to keep away from your wife." I said: "Should I divorce her; or else! what should I do?" He said: "No, only keep aloof from her and do not live with her (in the same house)." The Prophet "Allah's blessing and peace be upon him" sent the same message to my two fellows. Then I said to my wife: "Go to your parents and remain with them till Allah gives His Verdict in this matter."

[12] The Freedom Of Choice

2203- It is narrated on the authority of A'ishah that she said: The Messenger of Allah "Allah's blessing and peace be upon him" gave us (his wives) the freedom to choose (to remain with him or leave him), and we chose (to remain with) him; and this was not considered to be of significance (as far as divorce is concerned).

[13] What About (The Validity Of The Statement) "The Decision of Your (Divorce) Is In Your Hand

2204- It is narrated on the authority of Hammad Ibn Zaid that he said: I asked Ayyub: "Do you know anyone other than Al-Hasan who has adopted the statement "The decision of your (divorce) is in your hand" (therewith the husband entitles his wife to divorce herself from, or bring herself back to him)?" he said: "I do not know in that respect more than something related to us by Qatadah from Kathir, the freed slave of Ibn Samurah, from Abu Salamah from Abu Hurairah from the Messenger of Allah "Allah's blessing and peace be upon him"." Ayyub said: Then, Kathir came to us, and I asked him about that, thereupon he said: "I've never related something like that." I made a mention of that to Qatadah, and he said: "No, (he has related it) but he seemed to have forgotten."

2205- It is narrated on the authority of Qatadah from Al-Hasan that he said pertaining to the statement: "The decision of your (divorce) is in your hand": "(It is effective in the) three times (allowed for divorce, after which divorce becomes irrevocable)."

[14] The Irrevocable Divorce

2206- It is narrated on the authority of Nafi' Ibn Ujail Ibn Abd Yazid Ibn Rukanah that Rukanah Ibn Abd Yazid divorced his wife Suhaimah thrice

2202 ـ حدّثنا أَحْمَدُ بنُ عَمْرِو بنِ السَّرْحِ وَسُلَيْمَانُ بنُ داوُدَ قالاَ: أخبرنا ابنُ وَهْبٍ: أخبرني يُونُسُ، عن ابنِ شِهَابٍ، قال: أخبرني عَبْدُ الرَّحْمَنِ بنُ عَبْدِ اللَّهِ بنِ كَعْبِ بنِ مَالِكٍ، أَنَّ عَبْدَ اللَّهِ بنَ كَعْبٍ ـ وكَانَ قَائِدَ كَعْبٍ من بَنِيهِ حِينَ عَمِيَ ـ قال: سَمِعْتُ كَعْبَ بنَ مَالِكٍ، فَسَاقَ قِصَّتَهُ في تَبُوكَ قال: «حَتَّى إِذَا مضَتْ أَرْبَعُونَ مِنَ الْخَمْسِينَ إِذَا رَسُولُ رسُولِ اللَّهِ ﷺ يَأْتِي فقال: إِنَّ رَسُولَ اللَّهِ ﷺ يَأْمُرُكَ أَنْ تَعْتَزِلَ امْرَأَتَكَ، قالَ: فَقُلْتُ: أُطَلِّقُهَا أم مَاذَا أَفْعَلُ؟ قال: لاَ، بَلِ اعْتَزِلْهَا، فَلاَ تَقْرَبَنَّهَا. فَقُلْتُ لامْرَأَتِي: الْحَقِي بِأَهْلِكِ فكُونِي عِنْدَهُمْ حَتَّى يَقْضِيَ اللَّهُ تَعَالَى في هَذَا الأَمْرِ».

[ت12/م11، 12] ـ باب في الخيار

2203 ـ حدّثنا مُسَدَّدٌ: حدثنا أَبُو عَوانَةَ، عن الأَعمَشِ، عن أبي الضُّحَى، عن مَسْرُوقٍ، عن عَائِشَةَ قالَتْ: «خَيَّرَنَا رَسُولُ اللَّهِ ﷺ فاخْتَرْنَاهُ، فلَمْ يَعُدَّ ذَلِكَ شَيْئًا».

[ت13/م12، 13] ـ باب في «أَمْرُكِ بيدك»

2204 ـ حدّثنا الْحَسَنُ بنُ عَلِيٍّ: حدَّثنا سُلَيْمَانُ بنُ حَرْبٍ، عن حَمَّادِ بنِ زَيْدٍ قال: «قُلْتُ لأَيُّوبَ: هَلْ تَعَلَمُ أَحَدًا، قال: يَقُولُ الْحَسَنُ في أَمْرُكِ بِيَدِكِ؟ قال: لاَ، إِلاَّ شَيْءٌ حَدَّثَنَاهُ قَتَادَةُ، عن كَثِيرٍ مَوْلَى ابن سَمُرَةَ، عن أبي سَلَمَةَ، عن أَبي هُرَيْرَةَ، عن النَّبيِّ ﷺ بِنَحْوِهِ، قال أَيُّوبُ: فَقَدِمَ عَلَيْنَا كَثِيرٌ فَسَأَلْتُهُ فقال: ما حَدَّثْتُ بِهذَا قَطُّ. فَذَكَرْتُهُ لِقَتَادَةَ فقال: بَلَى وَلَكِنَّهُ نَسِيَ».

2205 ـ حدّثنا مُسْلِمُ بنُ إبراهِيمَ: حدَّثنا هِشَامٌ، عن قَتَادَةَ، عن الْحَسَنِ في أَمْرُكِ بِيَدِكِ قال: ثَلاَثٌ.

[ت14/م13 ، 14] ـ باب في البتَّة

2206 ـ حدّثنا ابنُ السَّرحِ وَإِبراهِيمُ بنُ خَالِدٍ الْكَلْبِيُّ أبو ثَوْرٍ في آخَرِينَ قالُوا: حدَّثنا مُحَمَّدُ بنُ إِدْرِيسَ الشَّافِعِيُّ: حَدَّثَني عَمِّي مُحَمَّدُ بنُ عَلِيِّ بنِ شَافِعٍ، عن عُبَيْدِ اللَّهِ بنِ عَلِيِّ بنِ السَّائِبِ، عن نَافِعِ بنِ عُجَيْرِ بنِ عَبْدِ يَزِيدَ بنِ رُكَانَةَ: «أَنَّ

(i.e. with three pronouncements of divorce at one time). He informed the Messenger of Allah "Allah's blessing and peace be upon him" of that and said: "By Allah, I have not intended but one (divorce)." The Messenger of Allah "Allah's blessing and peace be upon him" said: "(Do you swear) by Allah that you have not intended but one (divorce)?" Rukanah said: "By Allah, I have not intended but one (divorce)." On that the Messenger of Allah "Allah's blessing and peace be upon him" brought her back to him. He divorced her the second divorce during the caliphate of Umar, and the third during the caliphate of Uthman.

2207- The same narration is transmitted on the authority of Rukanah Ibn Abd Yazid from the Messenger of Allah "Allah's blessing and peace be upon him", through the same chain of transmission.

2208- It is narrated on the authority of Abdullah Ibn Ali Ibn Abd Yazid Ibn Rukanah from his father from his grandfather that he divorced his wife thrice (i.e. with three pronouncements of divorce at one time). He came to the Messenger of Allah "Allah's blessing and peace be upon him" who asked him: "What have you intended?" he said: "Only one (divorce)." He asked him: "(Do you swear by) Allah?" he said: "(I swear by) Allah." On that he said: "Then, let it be (one divorce) as you've intended."

Abu Dawud says: This narration is more correct than that of Ibn Juraij, that Rukanah divorced his wife thrice and they had better knowledge of him, for they were his family...

[15] One's Divorcing In Himself (With No Announcement)

2209- It is narrated on the authority of Abu Hurairah that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "Verily, Allah overlooks for (the people of) my nation whatever (thoughts) they have in themselves (no matter evil they might be) as long as they do not express or act upon that."

[16] When A Man Says To His Wife: "O My Sister"

2210- It is narrated on the authority of Abu Tamimah Al-Hujaimi that a man said to his wife: "O my sister!" the Messenger of Allah "Allah's blessing and peace be upon him" said: "Is she your sister?" he disliked that, and forbade it.

2211- It is narrated on the authority of Abu Tamimah from a man belonging to his people that he heard the Messenger of Allah "Allah's blessing and peace be upon him" when he heard a man saying to his wife: "O my sister", thereupon he (the Prophet) forbade him (to say so).

رُكَانَةَ بنَ عَبْدِ يَزِيدَ طَلَّقَ امْرَأَتَهُ سُهَيْمَةَ الْبَتَّةَ فأَخْبَرَ النَّبيَّ ﷺ بِذَلِكَ، وَقال: وَاللَّهِ ما أَرَدْتُ إِلاَّ وَاحِدَةً فقالَ رَسُولُ اللَّهِ ﷺ: «**وَاللَّهِ ما أَرَدْتَ إِلاَّ وَاحِدَةً؟**» فقالَ رُكَانَةُ: وَاللَّهِ ما أَرَدْتُ إِلاَّ وَاحِدَةً، فَرَدَّهَا إِلَيْهِ رَسُولُ اللَّهِ ﷺ، فَطَلَّقَها الثَّانِيَةَ في زَمَانِ عُمَرَ وَالثَّالِثَةَ في زَمَانِ عُثْمَانَ».

قال أَبُو دَاوُدَ: أَوَّلُهُ لَفْظُ إِبراهِيمَ وآخِرُهُ لَفْظُ ابنِ السَّرْحِ.

2207 ـ حدّثنا مُحمَّدُ بنُ يُونُسَ النَّسَائِيُّ، أَنَّ عَبْدَ اللَّهِ بنَ الزُّبَيْرِ حَدَّثَهُمْ، عن مُحَمَّدِ بنِ إِدْرِيسَ: حَدَّثَني عَمِّي مُحَمَّدِ بنِ عَلِيٍّ، عن ابنِ السَّائِبِ، عن نَافِعِ بنِ عُجَيْرٍ عن رُكَانَةَ بنِ عَبْدِ يَزِيدَ عن النَّبيِّ ﷺ بهذا الْحَدِيثِ.

2208 ـ حدّثنا سُلَيْمَانُ بنُ دَاوُدَ الْعَتَكِيُّ: حدَّثنا جَرِيرُ بنُ حَازِمٍ، عن الزُّبَيْرِ بنِ سَعِيدٍ، عن عَبْدِ اللَّهِ بنِ عَلِيِّ بنِ يَزِيدَ بنِ رُكَانَةَ، عن أَبِيهِ، عن جَدِّهِ: أَنَّهُ طَلَّقَ امْرَأَتَهُ الْبَتَّةَ، فَأَتَى رَسُولُ اللَّهِ ﷺ فَقَالَ: «**ما أَرَدْتَ**»، قال: وَاحِدَةً، قال: «**آللَّهِ؟**» قال: آللَّهِ، قال: «**هُوَ عَلَى مَا أَرَدْتَ**».

قال أَبُو دَاوُدَ: وَهَذَا أَصَحُّ من حَدِيثِ ابنِ جُرَيْجٍ أَنَّ رُكَانَةَ طَلَّقَ امْرَأَتَهُ ثَلاثًا لأَنَّهُمْ أَهْلُ بَيْتِهِ وَهُمْ أَعْلَمُ بِهِ، وَحَدِيثُ ابنُ جُرَيْجٍ رَوَاهُ عن بَعْضِ بَنِي أَبي رَافِعٍ عن عِكْرِمَةَ عن ابنِ عَبَّاسٍ.

[ت15/م14، 15] ـ باب في الوَسْوَسة بالطلاق

2209 ـ حدّثنا مُسْلِم بنُ إبراهِيمَ: حدَّثنا هِشَامٌ، عن قَتَادَةَ عن زُرَارَةَ بنِ أَوْفَى، عن أَبي هُرَيْرَةَ، عن النَّبيِّ ﷺ قال: «**إِنَّ اللَّهَ تَجَاوَزَ لأُمَّتِي عَمَّا لَمْ تَتَكَلَّمْ بِهِ أَوْ تَعْمَلْ بِهِ وَبِمَا حَدَّثَتْ بِهِ أَنْفُسُها**».

[ت16/م15 ، 16] ـ باب في الرَّجل يقول لامرأته «يا أختي»

2210 ـ حدّثنا مُوسَى بنُ إِسْمَاعِيلَ: حدَّثنا حَمَّادٌ. (ح) وحدَّثنا أَبُو كامِلٍ: حدَّثنا عَبْدُ الْوَاحِدِ وَخَالِدُ الطَّحَّانُ، المَعْنَى، كلُّهُمْ عن خَالِدٍ، عن أَبي تَمِيمَةَ الْهُجَيْمِيِّ: «أَنَّ رَجُلاً قالَ لامْرَأَتِهِ: يَا أُخَيَّةُ، فقالَ رَسُولُ اللَّهِ ﷺ: «**أُخْتُكَ هِيَ؟**» فكَرِهَ ذَلِكَ وَنَهَى عَنْهُ».

2211 ـ حدّثنا مُحَمَّدُ بنُ إِبراهِيمَ الْبَزَّازُ: حدَّثنا أَبُو نُعَيْم: حدَّثنا عَبْدُ السَّلاَمِ ـ يَعْني ابنَ حَرْبٍ ـ، عن خَالِدِ الْحَذَّاءِ، عن أَبي تَمِيمَةَ، عن رَجُلٍ مِنْ قَوْمِهِ: «أَنَّهُ سَمِعَ النَّبيَّ ﷺ سَمِعَ رَجُلاً يَقُولُ لامْرَأَتِهِ يا أُخَيَّةُ، فَنَهَاهُ».

Abu Dawud says: The same is narrated on the authority of Abu Tamimah from the Messenger of Allah "Allah's blessing and peace be upon him", through different chains of transmission.

2212- it is narrated on the authority of Abu Hurairah: The Prophet "Allah's blessing and peace be upon him" said: "The Prophet Abraham did not tell a lie except on three occasions. Twice for the Sake of Allah when he said: "I am sick," (As-Saffat 89) and he said: "Nay, this was done by this, their biggest one! Ask them, if they can speak intelligently!" (The Prophets 63)The (third was) that while Abraham and Sarah (his wife) were going (on a journey) they passed by (the land of) a tyrant. Someone said to the tyrant: "This man (Abraham) is accompanied by a very charming lady." So, he sent for Abraham and asked him about Sarah saying: "Who is this lady?" Abraham said: "She is my sister." Abraham went to Sarah and said: "O Sarah! There are no believers on the surface of the earth except you and I. This man asked me about you and I have told him that you are my sister, so don't contradict my statement, for you are really my sister in (the religion of) Allah..."and he mentioned the narration in full.

Abu Dawud says: The same is narrated on the authority of Abu Hurairah from the Messenger of Allah "Allah's blessing and peace be upon him", through a different chain of transmitters.

[17] What About Zihar

(It is that a man says to his wife: "You are (unlawful) for me in the same way as is the back of my mother.")

2213- It is narrated on the authority of Salamah Ibn Sakhr Al-Bayadi that he said: I was a man, who was endowed with (such power and desire for) having sexual relations with women as none has ever been given. When Ramadan entered upon us, I made my wife unlawful for me by Zihar until it would elapse, for fear that I might have sexual relation with her on one night, and (the operation) would continue until morning without being able to finish it. While she was serving me one night, something of her body was uncovered to me, thereupon I jumped over her, and had sexual relation with her. When it was morning, I went to my people and told them the story, and asked them to go with me to tell (and ask the verdict of) the Messenger of Allah "Allah's blessing and peace be upon him". They said: "By Allah! We are not to do so, lest something (of Revelation) would be sent concerning us, or lest the Messenger of Allah "Allah's blessing and peace be upon him" would say something concerning us, whose shame would pursue us afterwards. But, you might go and do what seems fair to

قال أَبُو دَاوُدَ: وَرَوَاهُ عَبْدُ الْعَزِيزِ بنُ الْمُخْتَارِ، عن خَالِدٍ، عن أبي عُثْمَانَ، عن أبي تَمِيمَةَ، عن النَّبيِّ ﷺ. وَرَوَاهُ شُعْبَةُ عن خَالِدٍ، عن رَجُلٍ، عن أبي تَمِيمَةَ، عن النَّبيِّ ﷺ.

2212 ـ حدَّثنا مُحَمَّدُ بنُ الْمُثَنَّى: حدَّثنا عَبْدُ الْوَهَّابِ: حدَّثنا هِشَامٌ، عن مُحَمَّدٍ، عن أبي هُرَيْرَةَ، عن النَّبيِّ ﷺ: «**إِنَّ إبراهِيمَ عَلَيْهِ السَّلاَمُ لم يَكْذِبْ قَطُّ إلاَّ ثَلاَثًا: ثِنْتَانِ في ذَاتِ اللَّهِ تعالى قَوْلُهُ:** ﴿إِنِّي سَقِيمٌ ﴿٨٩﴾﴾ [الصافات: 89] **وَقَوْلُهُ:** ﴿بَلْ فَعَلَهُۥ كَبِيرُهُمْ هَٰذَا﴾ [الأنبياء: 63] **وَبَيْنَمَا هُوَ يَسِيرُ في أَرْضِ جَبَّارٍ مِنَ الْجَبَابِرَةِ إِذْ نَزَلَ مَنْزِلاً، فَأَتى الْجَبَّارُ فَقِيلَ لَهُ: إِنَّهُ نَزَلَ هٰهُنَا رَجُلٌ مَعَهُ امْرَأَةٌ هِيَ أَحْسَنُ النَّاسِ، قال: فأَرْسَلَ إِلَيْهِ فَسَأَلَهُ عَنْهَا، فقال: إِنَّهَا أُخْتِي، فَلَمَّا رَجَعَ إِلَيْهَا قال: إِنَّ هٰذَا سَأَلَنِي عَنْكِ فَأَنْبَأْتُهُ أَنَّكِ أُخْتِي وَإِنَّهُ لَيْسَ الْيَوْمَ مُسْلِمٌ غَيْرِي وَغَيْرُكِ وَإِنَّكِ أُخْتِي في كِتَابِ اللَّهِ فَلاَ تُكَذِّبِينِي عِنْدَهُ**» وَسَاقَ الْحَدِيثَ.

قال أَبُو دَاوُدَ: رَوَى هَذَا الْخَبرَ شُعَيْبُ بنُ أبي حَمْزَةَ عن أبي الزِّنَادِ، عن الأَعْرَجِ، عن أبي هُرَيْرَةَ، عن النَّبيِّ ﷺ نَحْوَهُ.

[ت17/م16 ، 17] ـ باب في الظِّهار

2213 ـ حدَّثنا عُثْمَانُ بنُ أبي شَيْبَةَ وَمُحَمَّدُ بنُ الْعَلاَءِ، المعنى، قالاَ: حدَّثنا ابنُ إِدْرِيسَ، عن مُحَمَّدِ بنِ إِسْحَاقَ، عن مُحَمَّدِ بنِ عَمْرِو بنِ عَطَاءٍ، قال ابنُ الْعَلاَءِ: ابنِ عَلْقَمَةَ بنِ عَيَّاشٍ، عن سُلَيْمَانَ بنِ يَسَارٍ، عن سَلَمَةَ بنِ صَخْرٍ، قال ابنُ الْعَلاَءِ الْبَيَاضِيُّ، قال: «كُنْتُ امْرَأً أُصِيبُ مِنَ النِّسَاءِ ما لا يُصِيبُ غَيْرِي، فَلَمَّا دَخَلَ شَهْرُ رَمَضَانَ خِفْتُ أَنْ أُصِيبَ مِنَ امْرَأَتِي شَيْئًا يُتَّايَعُ بِي حَتَّى أُصْبِحَ، فَظَاهَرْتُ مِنْهَا حتى يَنْسَلِخَ شَهْرُ رَمَضَانَ، فَبَيْنَا هِيَ تَخْدُمُنِي ذَاتَ لَيْلَةٍ إِذْ تَكَشَّفَ لِي مِنْهَا شَيْءٌ فَلَمْ أَلْبَثْ أَنْ نَزَوْتُ عَلَيْهَا، فَلَمَّا أَصْبَحْتُ خَرَجْتُ إِلى قَوْمِي فَأَخْبَرْتُهُمْ الْخَبرَ، وَقُلْتُ: امْشُوا مَعِي إِلى رَسُولِ اللَّهِ ﷺ، قالُوا: لاَ واللَّهِ، فَانْطَلَقْتُ إِلى النَّبيِّ ﷺ فَأَخْبَرْتُهُ، فقال: «**أَنْتَ بِذَاكَ يَا سَلَمَةُ**». قُلْتُ: أَنَا بِذَاكَ يَا رَسُولَ اللَّهِ مَرَّتَيْنِ وَأَنَا صَابِرٌ لأَمْرِ اللَّهِ عَزَّ وَجَلَّ، فاحْكُمْ فِيَّ بما أَرَاكَ اللَّهُ، قال:

you." I set out and came direct to the Messenger of Allah "Allah's blessing and peace be upon him", and told him my story, thereupon he said: "Have you really done so O Salamah?" I said: "I've really done so." He further asked: "Have you really done so?" I said: "I've really done so. I've really done so; and I'm here: let the judgement of Allah pass upon me, and I'm going to show patience!" he said to me: "Emancipate a slave!" I struck the blade of my neck with my hand and said: "Nay, by Him, Who has sent you with the truth! I now no longer have got but this (of myself)." He ordered me to observe two-month fasts consecutively, thereupon I said: "O Messenger of Allah! Has I not received such (misfortune) as has befallen me but during the fasts (of no more than a month uninterruptedly)?" he ordered me to give in charity a Wasaq of dates and distribute it among sixty indigent persons, thereupon I said to him: "By Him Who has sent you with the truth! We spent this night of ours, with even no supper to have." He then said: "Go to the collector of the (objects of) charity of Bany Zuraiq, and tell him to give it to you; and feed sixty indigent ones with a Wasaq of dates thereof, and sustain yourself and your independents with the remaining of it." I then returned to my people and said: "No doubt, I have found with you (nothing other than) restriction and bad opinion, while I have found with the Messenger of Allah "Allah's blessing and peace be upon him" both liberty and blessing. He ordered me to take your (objects of) charity.

Ibn Al-Ala' added: Ibn Idris said: Bayadah is a branch belonging to Banu Zuraiq.

2214- It is narrated on the authority of Khuwailah Bint Malik Ibn Tha'labah that she said: My husband Aws Ibn As-Samit made me unlawful for himself (as far as sexual relation is concerned) in the same way as the back of one's mother would be for him, and I came to the Messenger of Allah "Allah's blessing and peace be upon him" and made a complaint to him, and the Messenger of Allah "Allah's blessing and peace be upon him" was pleading with me concerning him, saying: "Fear Allah (concerning your husband) he is your paternal cousin (in addition to his being your husband)." by Allah! I did not leave until (this Holy Verse of) the Qur'an was revealed in connection with me: "Allah has indeed heard (and accepted) the statement of the woman who pleads with you concerning her husband and carries her complaint (in prayer) to Allah: and Allah (always) hears the arguments between both sides among you: for Allah is All-Hearing, All-Seeing... and for those who disbelieve there is a grievous Penalty." The Messenger of Allah "Allah's blessing and peace be upon

«**حَرِّرْ رَقَبَةً**». قُلْتُ: وَالَّذِي بَعَثَكَ بالْحَقِّ مَا أَمْلِكُ رَقَبَةً غَيْرَهَا وَضَرَبْتُ صَفْحَةَ رَقَبَتِي. قال: «**فَصُمْ شَهْرَيْنِ مُتَتَابِعَيْنِ**» قال: وَهَلْ أَصَبْتُ الَّذِي أَصَبْتُ إلاَّ مِنَ الصِّيَامِ. قَالَ: «**فَأَطْعِمْ وَسْقًا مِنْ تَمرٍ بَيْنَ سِتِّينَ مِسْكِينًا**». قَالَ: وَالَّذِي بَعَثَكَ بالحقِّ لَقَدْ بِتْنَا وَحْشَيْنِ ما لَنَا طَعَامٌ. قالَ: «**فانْطَلِقْ إلى صَاحِبِ صَدَقَةِ بَنِي زُرَيْقٍ فَلْيَدْفَعْهَا إِلَيْكَ فأطْعِمْ سِتِّينَ مِسْكِينًا وَسْقًا مِنْ تَمرٍ وَكُلْ أَنْتَ وَعِيَالُكَ بَقِيَّتَهَا**». فَرَجَعْتُ إلى قَوْمِي فَقُلْتُ: وَجَدْتُ عِنْدَكُمُ الضِّيقَ وَسُوءَ الرَّأْيِ وَوَجَدْتُ عند النَّبيِّ ﷺ السَّعَةَ وَحُسْنَ الرَّأْيِ وَقَدْ أَمَرَ لِي أَوْ أَمَرَنِي بِصَدَقَتِكُم».

زَادَ ابنُ الْعَلاَءِ قال ابنُ إِدْرِيسَ: وَبَيَاضَةُ بَطْنٌ مِنْ بَنِي زُرَيْقٍ.

2214 ـ حدّثنا الْحَسَنُ بنُ عَلِيٍّ: حدَّثنا يَحْيَى بنُ ءَادَمَ: حدَّثنا ابنُ إِدْرِيسَ، عن مُحَمَّدِ بنِ إسْحَاقَ، عن مَعْمَرِ بنِ عَبْدِ اللَّهِ بنِ حَنْظَلَةَ، عن يُوسُفَ بنِ عَبْدِ اللَّهِ بنِ سَلاَمٍ، عن خُوَيْلَةَ بِنْتِ مَالِكِ بنِ ثَعْلَبَةَ قالَتْ: ظَاهَرَ مِنِّي زَوْجِي أَوْسُ بنُ الصَّامِتِ، فَجِئْتُ رَسُولَ اللَّهِ ﷺ أَشْكُو إِلَيْهِ وَرَسُولُ اللَّهِ ﷺ يُجَادِلُنِي فِيهِ وَيَقُولُ: «**اتَّقِي اللَّهَ فإِنَّهُ ابنُ عَمِّكِ**»، فَمَا بَرِحْتُ حتى نَزَلَ الْقُرْآنُ: ﴿قَدْ سَمِعَ ٱللَّهُ قَوْلَ ٱلَّتِي تُجَٰدِلُكَ فِي زَوْجِهَا﴾ [المجادلة: 1] إلى الْفَرْضِ فقال: «**يُعْتِقُ رَقَبَةً**»، قالَتْ: لا يَجِدُ، قال: «**فَيَصُومُ شَهْرَيْنِ مُتَتَابِعَيْنِ**» قالَتْ: يَا رَسُولَ اللَّهِ إِنَّهُ شَيْخٌ كَبِيرٌ مَا بِهِ مِنْ صِيَامٍ، قال: «**فَلْيُطْعِمْ سِتِّينَ مِسْكِينًا**»، قالَتْ: ما عِنْدَهُ مِنْ شَيْءٍ يَتَصَدَّقُ بِهِ، قالَتْ: فَأُتِيَ سَاعَتَئِذٍ بِعَرَقٍ مِنْ تَمْرٍ، قُلْتُ: يَا رَسُولَ اللَّهِ فَإِنِّي أُعِينُهُ

him" said to me: "Tell him to emancipate a slave." I said: "O Messenger of Allah! He has no (slaves) to emancipate." He said: "Then, let him observe two-month fasts uninterruptedly." I said: "O Messenger of Allah! He is an old man, who has no power to observe such fasts." He said: "Then, let him feed sixty indigent ones with a Wasaq of dates." I said: "O Messenger of Allah! He could not afford for it." At that time, a basket full of dates (nearly sixty Sa's) was brought to the Messenger of Allah "Allah's blessing and peace be upon him" (who offered to help him with it). I said: "I'm also going to help him with a further basket (full of dates)." The Messenger of Allah "Allah's blessing and peace be upon him" said: "You've done well! Go and give it in charity on behalf of him, and I advise you to be good and kind to your cousin." I did accordingly. Abu Dawud says: She made expiation on his behalf without consulting him. This Aws is the brother of Ubadah Ibn As-Samit.

2215- The same is narrated on the authority of Ibn Ishaq, through the same chain of transmitters, with the change here that he said that the Irq is a basket which contains thirty Sa's.

Abu Dawud says: This narration is more correct than that of Yahya Ibn Adam.

2216- It is narrated on the authority of Abu Salamah Ibn Abd Ar-Rahman that he said: The Irq is a container that contains fifteen Sa's.

2217- The same story is narrated on the authority of Sulaiman Ibn Yasar, in which he said: A basket containing nearly fifteen Sa's of dates was brought to the Messenger of Allah "Allah's blessing and peace be upon him", who gave it to him and said: "Give that in charity." He said: "O Messenger of Allah! (Should I give it in charity) to anyone poorer than I and my family?" on that the Messenger of Allah "Allah's blessing and peace be upon him" said: "Then, eat it, both you and your family."

2218- It is narrated on the authority of Ata' from Aws, the brother of Ubadah Ibn As-Samit that the Messenger of Allah "Allah's blessing and peace be upon him" gave him fifteen Sa's of parley therewith to feed sixty indigent persons (as expiation for his sin).

Abu Dawud says: Ata' did not see Aws, who was from the people of (the holy battle of) Badr.

2219- It is narrated on the authority of Hisham Ibn Urwah that Jamilah was the wife of Aws Ibn As-Samit, and he was swift in being angry: whenever his anger was provoked, he would make his wife unlawful for

بِعَرَقٍ آخَرَ، قال: «**قَدْ أَحْسَنْتِ، اذْهَبِي فأطْعِمِي بِهَا عَنْهُ سِتِّينَ مِسْكِينًا، وارْجِعِي إلى ابنِ عَمِّكِ**». قال: «وَالْعَرَقُ سِتُّونَ صَاعًا».

قال أَبُو دَاوُدَ في هَذَا: إِنَّهَا كَفَّرَتْ عَنْهُ مِنْ غَيْرِ أَنْ تَسْتَأْمِرَهُ.

قال أَبُو دَاوُدَ: هَذَا أخُو عُبَادَةَ بن الصَّامِتِ.

2215 ـ حدّثنا الْحَسَنُ بنُ عَلِيٍّ: حدَّثنا عَبْدُ الْعَزِيز بنُ يَحْيَى، أَبُو الأَصْبَغِ الحرَّانِيُّ: حدَّثنا مُحمَّدُ بنُ سَلَمَةَ، عن ابن إسْحَاق بِهذَا الإِسْنَادِ نَحْوَهُ إلاَّ أَنَّهُ قال: «وَالْعَرَقُ مِكْتَلٌ يَسَعُ ثَلاثِينَ صَاعًا».

قال أَبُو دَاوُدَ: وَهَذَا أَصَحُّ مِنْ حَدِيثِ يَحْيَى بن آدَمَ.

2216 ـ حدّثنا مُوسَى بنُ إِسْمَاعِيلَ: حدَّثنا أَبَانُ: حدَّثنا يَحْيَى، عن أبي سَلَمَة بنِ عَبْدِ الرَّحْمَنِ قال: يَعْني بالْعَرَقِ: زَنْبِيلاً يأْخُذُ خَمْسَةَ عَشَرَ صَاعًا.

2217 ـ حدّثنا ابنُ السَّرْحِ: حدَّثنا ابنُ وَهْبٍ: أخبرني ابنُ لَهِيعَةَ وَعَمْرُو بنُ الحارِثِ، عن بُكَيْرِ بنِ الأَشَجِّ، عن سُلَيْمَانَ بنِ يَسَارٍ بِهذَا الْخَبرِ قال: فَأُتِيَ رَسُولُ اللَّهِ ﷺ بِتَمْرٍ فأَعْطاهُ إيَّاهُ وَهُوَ قَرِيبٌ من خَمْسَةَ عَشَرَ صَاعًا. قالَ: «**تَصَدَّقْ بِهذَا**» قال: يَا رَسُولَ اللَّهِ عَلَى أَفْقَرَ مِنِّي وَمِنْ أَهْلِي؟ فقالَ رَسُولُ اللَّهِ ﷺ: «**كُلْهُ أَنْتَ وَأَهْلُكَ**».

2218 ـ قال أَبُو دَاوُدَ: قَرَأْتُ عَلَى مُحَمَّدِ بنِ وَزِيرٍ المِصْرِيِّ قُلْتُ لَهُ: حَدَّثَكُمْ بِشْرُ بنُ بَكْرٍ: حدَّثنا الأَوْزَاعِيُّ: حدثنا عَطَاءٌ، عن أَوْسٍ أخِي عُبَادَةَ بنِ الصَّامِتِ: «أنَّ النَّبيَّ ﷺ أَعْطَاهُ خَمْسَةَ عَشَرَ صَاعًا مِنْ شَعِيرٍ إطْعَامَ سِتِّينَ مِسْكِينًا».

قال أَبُو دَاوُدَ: وَعَطَاءٌ لم يُدْرِكْ أَوْسًا وَهُوَ مِنْ أَهْلِ بَدْرٍ قَدِيمُ الْمَوْتِ، والحَدِيثُ مُرْسَلٌ وَإِنَّمَا رَوَوْهُ عن الأَوْزَاعِيِّ، عن عَطَاءٍ أَنَّ أَوْسًا.

2219 ـ حدّثنا مُوسَى بنُ إِسْمَاعِيلَ: حدثنا حَمَّادٌ، عن هِشَام بنِ عُرْوَةَ أَنَّ جَمِيلَةَ كانَتْ تَحتَ أَوْسِ بنِ الصَّامِتِ وَكَانَ رَجُلاً بِهِ لَمَمٌ، فَكَانَ إِذَا اشْتَدَّ لَمَمُهُ

him (as far as sexual relation is concerned) by way of Zihar, thereupon Allah Almighty revealed the expiation for Zihar.

2220- A Hadith like this is narrated on the authority of Hisham Ibn Urwah from his father from A'ishah.

2221- It is narrated on the authority of Ikrimah that a man made his wife unlawful for him by way of Zihar; and then he had sexual intercourse with her before making expiation. He came to the Messenger of Allah "Allah's blessing and peace be upon him" and made a mention of that to him, thereupon he said: "What led you to do so?" he said: "I saw the whiteness of her legs in the moonlight (which stimulated in me the desire for her)." On that the Messenger of Allah "Allah's blessing and peace be upon him" smiled and ordered him not to approach her until he would make expiation.

2222- It is narrated on the authority of Ikrimah that a man made his wife unlawful for him by way of Zihar; and then he saw the glitter of her legs in the moonlight (which prompted in him the desire for her) and thus he had sexual intercourse with her (before making expiation). He came to the Messenger of Allah "Allah's blessing and peace be upon him" who ordered him to make expiation.

2223- The same is narrated on the authority of Ibn Abbas from the Messenger of Allah "Allah's blessing and peace be upon him", and no mention is made of the legs.

2224- The same is narrated on the authority of Ikrimah from the Messenger of Allah "Allah's blessing and peace be upon him", through another chain of transmitters.

2225- The same narration is transmitted on the authority of Al-Hakam Ibn Iban, and no mention is made of Ibn Abbas.

Abu Dawud says: The same is narrated on the authority of Ikrimah from Ibn Abbas from the Messenger of Allah "Allah's blessing and peace be upon him", through a different chain of transmitters.

[18] What About The Optional Divorce (From The Woman's Part)

2226- It is narrated on the authority of Thawban that he said: Allah's Apostle "Allah's blessing and peace be upon him" said: "Any woman who asks her husband to divorce her when there is no necessity (nor harm to cause her to do so), the smell of the Garden becomes forbidden to her."

2227- It is narrated on the authority of Amrah Bint Abd Ar-Rahman Ibn As'ad Ibn Zurarah that Habibah Bint Sahl Al-Ansariyyah was the wife of

ظَاهَرَ مِنَ امْرَأَتِهِ، فَأَنْزَلَ اللَّهُ عَزَّ وَجَلَّ فِيهِ كَفَّارَةَ الظِّهَارِ.

2220 ـ حدّثنا هَارُونُ بنُ عَبْدِ اللَّهِ: حدَّثنا مُحَمَّدُ بنُ الْفَضْلِ: حدَّثنا حَمَّادُ بنُ سَلَمَةَ، عن هِشَامِ بنِ عُرْوَةَ، عن عُرْوَةَ، عن عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا مِثْلَهُ.

2221 ـ حدّثنا إِسْحَاقُ بنُ إِسْمَاعِيلَ الطَّالَقَانِيُّ: حدَّثنا سُفْيَانُ: حدَّثنا الْحَكَمُ بنُ أَبَانَ، عن عِكْرِمَةَ: أَنَّ رَجُلاً ظَاهَرَ مِنَ امْرَأَتِهِ ثُمَّ وَاقَعَهَا قَبْلَ أَنْ يُكَفِّرَ، فَأَتَى النَّبيَّ ﷺ، فَأَخْبَرَهُ، فقالَ: «**مَا حَمَلَكَ عَلَى ما صَنَعْتَ؟**» قالَ: رَأَيْتُ بَيَاضَ سَاقَيْهَا في الْقَمَرِ، قالَ: «**فاعْتَزِلْهَا حَتَّى تُكَفِّرَ عَنْكَ**».

2222 ـ حدّثنا الزَّعْفَرَانِيُّ: حدَّثنا سُفْيَانُ بنُ عُيَيْنَةَ، عن الْحَكَمِ بنِ أَبَانَ، عن عِكْرِمَةَ: «أَنَّ رَجُلاً ظَاهَرَ مِنَ امْرَأَتِهِ، فَرَأَى بَرِيقَ سَاقِهَا في الْقَمَرِ فَوَقَعَ عَلَيْهَا، فَأَتَى النَّبيَّ ﷺ فَأَمَرَهُ أنْ يُكَفِّرَ».

2223 ـ حدّثنا زِيَادُ بنُ أَيُّوبَ: حدَّثنا إِسْمَاعِيلُ: حدَّثنا الْحَكَمُ بنُ أَبَانَ، عن عِكْرِمَةَ، عن ابن عَبَّاسٍ، عن النَّبيِّ ﷺ نَحْوَهُ، وَلَمْ يَذْكُرِ السَّاقَ.

2224 ـ حدّثنا أبُو كَامِلٍ، أَنَّ عَبْدَ الْعَزِيزِ بنَ الْمُخْتَارِ حدثَهُمْ: حدَّثنا خَالِدٌ: حدثني مُحَدِّثٌ عن عِكْرِمَةَ، عن النَّبيِّ ﷺ بنَحْوِ حَدِيثِ سُفْيَانَ.

2225 ـ قال أَبُو دَاوُدَ: وَسَمِعْتُ مُحَمَّدَ بنَ عِيسَى يُحَدِّثُ بِهِ: حدَّثنا مُعْتَمِرٌ، قال: سَمِعْتُ الحَكَم بنَ أَبانَ يُحَدِّثُ بِهَذَا الْحَدِيثِ. وَلَمْ يَذْكُر ابنَ عَبَّاسٍ.

قال أَبُو دَاوُدَ: كَتَبَ إِلَيَّ الْحُسَيْنُ بنُ حُرَيْثٍ قال: أخبرنا الْفَضْلُ بنُ مُوسَى، عن مَعْمَرٍ، عن الحَكَمِ بنِ أَبانَ، عن عِكْرِمَةَ، عن ابن عَبَّاسٍ بِمَعْنَاهُ عن النَّبيِّ ﷺ.

[ت18/م17 ، 18] ـ باب في الخُلْع

2226 ـ حدّثنا سُلَيْمَانُ بنُ حَرْبٍ: حدَّثنا حَمَّادٌ، عن أَيُّوبَ، عن أَبِي قِلَابَةَ، عن أبي أَسْمَاءَ، عن ثَوْبَانَ قال: قال رَسُولُ اللَّهِ ﷺ: «**أَيُّمَا امْرَأَةٍ سأَلَتْ زَوْجَهَا طَلَاقًا في غَيْرِ مَا بَأْسٍ فَحَرَامٌ عَلَيْهَا رَائِحَةُ الْجَنَّةِ**».

2227 ـ حدّثنا الْقَعْنَبِيُّ، عن مَالِكٍ، عن يَحْيَى بن سَعِيدٍ، عن عَمْرَةَ بِنْتِ عَبْدِ الرَّحْمَنِ بن سَعْدِ بن زُرَارَةَ أَنَّهَا أَخْبَرَتْهُ عن حَبِيبَةَ بِنْتِ سَهْلٍ الأَنْصارِيَّةِ: «أَنَّهَا كَانَتْ

Thabit Ibn Qais Ibn Shammas. One day, the Messenger of Allah "Allah's blessing and peace be upon him" came out to offer the Morning prayer, and he found Habibah Bint Sahl standing in the darkness near his gate. The Messenger of Allah "Allah's blessing and peace be upon him" asked: "Who is she?" she said: "I'm Habibah Bint Sahl." He asked: "What is the matter with you?" she said: "Neither I nor Thabit Ibn Qais (her husband are fitting as spouses for each other)." When Thabit Ibn Qais came the Messenger of Allah "Allah's blessing and peace be upon him" said to him: "This is Habibah Bint Sahl." She mentioned what Allah willed her to mention, and said: "O Messenger of Allah! All that he has given me is with me (and I'm ready to give everything back to him)." The Messenger of Allah "Allah's blessing and peace be upon him" said to Thabit Ibn Qais: "Take from her." (He parted them and) she joined the house of her family.

2228- It is narrated on the authority of A'ishah that Habibah Bint Sahl was the wife of Thabit Ibn Qais who struck her (so violently that) he broke a part of her body. After the Morning prayer, she came to the Messenger of Allah "Allah's blessing and peace be upon him", and made a complaint to him. The Messenger of Allah "Allah's blessing and peace be upon him" invited Thabit and said to him: "Take some of her property and leave her." He asked: "Is it fitting O Messenger of Allah?" he answered in the affirmative. He said: "I've given her a dower of two gardens, and they are now in her possession." The Messenger of Allah "Allah's blessing and peace be upon him" said to him: "Take them and leave her." He did accordingly.

2229- It is narrated on the authority of Ibn Abbas that the wife of Thabit Ibn Qais was divorced from him at her request, and the Messenger of Allah "Allah's blessing and peace be upon him" made the term of her Iddat only to get one menses.

Abu Dawud says: This narration is transmitted on the authority of Ikrimah from the Messenger of Allah "Allah's blessing and peace be upon him", and thus the chain of transmission is short of Ibn Abbas.

2230- It is narrated on the authority of Ibn Umar that he said: The term of Iddat of such as divorced at her request is to get one menses. Abu Dawud says: The term of Iddat of such as divorced at her request is the same as that of the traditionally divorced woman (i.e. to get three monthly periods), and this is the basis upon which we act.

تَحتَ ثَابِتِ بن قَيْسِ بن شَمَّاسٍ وَأَنَّ رَسُولَ اللَّهِ ﷺ خَرَجَ إِلَى الصُّبْحِ فَوَجَدَ حَبِيبَةَ بِنْتَ سَهْلٍ عِنْدَ بَابِهِ في الْغَلَسِ، فَقالَ رَسُولُ اللَّهِ ﷺ: «**مَنْ هَذِهِ؟**» قالَتْ: أَنَا حَبِيبَةُ بِنْتُ سَهْلٍ قالَ: «**مَا شَأْنُكِ؟**» قالَتْ: لا أَنَا وَلاَ ثَابِتُ بنُ قَيْسٍ ـ لِزَوْجِهَا ـ فَلَمَّا جَاءَ ثَابِتُ بنُ قَيْسٍ قالَ لَهُ رَسُولُ اللَّهِ ﷺ: «**هَذِهِ حَبِيبَةُ بِنْتُ سهلٍ**» وذكرت مَا شَاءَ اللَّهُ أَنْ تَذْكُرَ. وَقالَتْ حَبِيبَةُ: يَا رَسُولَ اللَّهِ كلُّ مَا أَعْطَانِي عِنْدِي، فَقال رَسُولُ اللَّهِ ﷺ لِثَابِتِ بن قَيْسٍ: «**خُذْ مِنْهَا**» فَأَخَذَ مِنها وَجَلَسَتْ هي في أَهْلِها».

2228 ـ حدّثنا مُحَمَّدُ بنُ مَعْمَرٍ: حدَّثنا أَبُو عامِرٍ عَبْدُ المَلِكِ بنُ عَمْرٍو: حدَّثنا أَبُو عَمْرٍو السَّدُوسيُّ المَدِينِيُّ، عن عَبْدِ اللَّهِ بن أبي بَكْر بنِ مُحَمَّدِ بنِ عَمْرِو بن حَزْمٍ، عن عَمْرَةَ، عن عَائِشَةَ: أَنَّ حَبِيبَةَ بِنْتَ سهلٍ كانَتْ عِنْدَ ثابِتِ بن قَيْسِ بن شَمَّاسٍ فَضَرَبَها فَكَسَرَ بَعْضَها، فأَتتِ النَّبيَّ ﷺ بَعْدَ الصُّبْحِ، فاشْتَكَتْهُ إِلَيْهِ، فَدَعا النَّبيُّ ﷺ ثَابِتًا، فَقالَ: خُذْ بَعْضَ مالِها وَفارِقْهَا، فَقالَ: وَيَصْلُحُ ذَلِكَ يَا رَسُولَ اللَّهِ؟ قالَ: «**نَعَمْ**» قال: فإِنِّي أَصْدَقْتُها حَدِيقَتَيْنِ وَهُما بِيَدِهَا فقالَ النَّبيُّ ﷺ: «**خُذْهُما فَفَارِقْها**» فَفَعَلَ.

2229 ـ حدّثنا مُحَمَّدُ بنُ عَبْدِ الرَّحِيمِ الْبَزَّازُ: حدَّثنا عَلِيُّ بنُ بَحْرٍ الْقَطَّانُ: حدَّثنا هِشَامُ بنُ يُوسُفَ، عن مَعْمَرٍ، عن عَمْرِو بنِ مُسْلِمٍ، عن عِكْرِمَةَ، عن ابن عَبَّاسٍ: «أَنَّ امْرَأَةَ ثَابِتِ بنِ قَيْسٍ اخْتَلَعَتْ مِنْهُ، فَجعَلَ النَّبيُّ ﷺ عِدَّتَها حَيْضَةً».

قال أَبُو دَاوُدَ: وَهَذَا الْحَدِيثُ رَوَاهُ عَبْدُ الرَّزَّاقِ عنْ مَعْمَرٍ، عن عَمْرِو بن مُسْلِمٍ، عن عِكْرِمَةَ، عن النَّبيِّ ﷺ مُرْسَلاً.

2230 ـ حدّثنا الْقَعْنَبِيُّ، عن مَالِكٍ، عن نَافِعٍ، عن ابن عُمَرَ قالَ: «**عِدَّةُ الْمُخْتَلَعَةِ حَيْضَةٌ**».

قال أبو داود: عدة المختلعة عدة المطلقة، قال أبو داود: والعمل عندنا على هذا هو.

[19] When A Slave-Girl Is Emancipated While Being The Wife Of A Free Or A Slave

2231- It is narrated on the authority of Ibn Abbas that Mughith (the husband of Barirah) was a slave. He said to the Messenger of Allah "Allah's blessing and peace be upon him": "O Messenger of Allah! Use your good offices with her for me." The Messenger of Allah "Allah's blessing and peace be upon him" said to her: "O Barirah! Fear Allah! He is your husband and the father of your offspring." She asked: "O Messenger of Allah! Do you command me to do so?" he said: "No, I only intercede for him." He (Mughith) was weeping with his tears flowing on his cheeks. The Prophet "Allah's blessing and peace be upon him" said to Abbas: "O Abbas ! are you not astonished at the love of Mughith for Barirah and the hatred of Barirah for Mughith?"

2232- It is narrated on the authority of Ibn Abbas that the husband of Barirah was a black slave called Mughith; and the Messenger of Allah "Allah's blessing and peace be upon him" gave her the freedom to choose (to remain with him or leave him, and she chose to leave him) and ordered her to spend the prescribed period of her Iddat.

2233- It is narrated on the authority of A'ishah in connection with the story of Barirah: Her husband was a slave, thereupon the Messenger of Allah "Allah's blessing and peace be upon him" gave her the freedom to choose (whether to remain as his wife after she had been manumitted, or to leave him), and she chose herself; and had he (her husband) been a free man, he would not have given her such a freedom of choice.

2234- It is narrated on the authority of A'ishah that Barirah was given by the Messenger of Allah "Allah's blessing and peace be upon him" the freedom to choose (whether to remain with her husband or to leave him); and her husband was a slave.

[20] The Opinion That Her Husband Was A Free Man

2235- It is narrated on the authority of A'ishah that the husband of Barirah was a free man when she was emancipated, even though she was given the freedom of choice, and she said: "I do not like to remain with him even if I have such and such (a property in my possession)."

[21] When Should Her Freedom Of Choice Come To An End?

2236- It is narrated on the authority of A'ishah that Barirah was emancipated and she was the wife of Mughith, a slave belonging to the family of Ahmad, and the Messenger of Allah "Allah's blessing and peace

[ت19/م18 ، 19] ـ باب في المملوكة تُعتق وهي تحت حُرٍّ أو عبد

2231 ـ حدّثنا مُوسَى بنُ إِسْمَاعِيلَ: حدَّثنا حَمَّادٌ، عن خَالِدٍ الْحَذَّاءِ، عن عِكْرِمَةَ، عن ابن عَبَّاسٍ: أَنَّ مُغِيثًا كَانَ عَبْدًا فَقَالَ: يَا رَسُولَ اللَّهِ اشْفَعْ لِي إِلَيْهَا، فقال رَسُولُ اللَّهِ ﷺ: «**يَا بُرَيرَةَ اتَّقِي اللَّهَ، فإِنَّهُ زَوْجُكِ وَأَبُو وَلَدِكِ**»، فَقالَتْ: يَا رَسُولَ اللَّهِ أتأْمُرُنِي بِذَلِك؟ قالَ: «**لاَ إِنَّمَا أنَا شَافِعٌ**»، فَكَانَ دُمُوعُهُ تَسِيلُ عَلَى خَدِّهِ، فقال رَسُولُ اللَّهِ ﷺ لِلعَبَّاسِ: «**أَلاَ تَعْجَبُ مِنْ حُبِّ مُغِيثٍ بَرِيرَةَ وَبُغْضِهَا إِيَّاهُ**».

2232 ـ حدّثنا عُثْمَانُ بنُ أبي شَيْبَةَ: حدَّثنا عَفَّانُ: حدَّثنا هَمَّامٌ، عن قَتَادَةَ، عنْ عِكْرِمَةَ، عن ابن عَبَّاسٍ: «أَنَّ زَوْجَ بَرِيرَةَ كانَ عَبْدًا أَسْوَدَ يُسَمَّى مُغِيثًا فَخَيَّرَهَا ـ يَعْنِي النَّبيَّ ﷺ ـ وَأَمَرَهَا أَنْ تَعْتَدَّ».

2233 ـ حدّثنا عُثْمَانُ بنُ أبي شَيْبَةَ: حدَّثنا جَرِيرٌ، عن هِشَامِ بن عُرْوَةَ، عن أَبِيهِ، عنْ عَائِشَةَ في قِصَّةِ بَرِيرَةَ قَالَتْ: «كَانَ زَوْجُهَا عَبْدًا، فَخَيَّرَهَا النَّبِيُّ ﷺ، فاخْتَارَتْ نَفْسَها، وَلَوْ كَانَ حُرًّا لَمْ يُخَيِّرْهَا».

2234 ـ حدّثنا عُثْمَانُ بنُ أبي شَيْبَةَ: حدَّثنا حُسَيْنُ بنُ عَلِيٍّ، وَالْوَلِيدُ بنُ عُقْبَةَ، عنْ زَائِدَةَ، عن سِمَاكٍ، عن عَبْدِ الرَّحْمَنِ بن الْقَاسِمِ، عن أبِيهِ، عنْ عَائِشَةَ: «أَنَّ بَرِيرَةَ خَيَّرَهَا النَّبيُّ ﷺ وَكَانَ زَوْجُهَا عَبْدًا».

[ت20/م19، 20] ـ باب مَنْ قال: كان حرًّا

2235 ـ حدّثنا ابنُ كَثِيرٍ: أخبرنا أبو سُفْيَان، عنْ مَنْصُورٍ، عنْ إبراهِيمَ، عن الأَسْوَدِ، عنْ عَائِشَةَ: «أَنَّ زَوْجَ بَرِيرَةَ كَانَ حُرًّا حِينَ أُعْتِقَتْ، وَأَنَّهَا خُيِّرَتْ فَقالَتْ: مَا أُحِبُّ أن أكُونَ مَعَهُ وَأَنَّ لِي كَذَا وَكَذَا».

[ت21/م20 ، 21] ـ باب حتى متى يكون لها الخِيَار؟

2236 ـ حدّثنا عَبْدُ الْعَزِيزِ بنُ يَحْيَى الْحَرَّانِيُّ: حدثني مُحَمَّدٌ ـ يعني ابنَ سَلَمَةَ ـ، عنْ مُحَمَّدِ بن إِسْحَاقَ، عنْ أبي جَعْفَرٍ، وَعَنْ أَبَانَ بنِ صَالِحٍ، عن مُجَاهِدٍ، وَعنْ هِشَامِ بنِ عُرْوَةَ، عن أَبِيهِ، عن عَائِشَةَ: أَنَّ بَرِيرَةَ أُعْتِقَتْ وَهِيَ عِنْدَ

be upon him" gave her the freedom of choice, and said to her: "Once he approaches you, your freedom of choice would be futile."

[22] When A Couple Of Slaves Is Emancipated Together: Should His Wife Be Given The Freedom Of Choice?

2237- It is narrated on the authority of A'ishah that she intended to emancipate a couple of slaves together, and she sought the verdict of the Messenger of Allah "Allah's blessing and peace be upon him" about that, thereupon he commanded her to start with the man before the woman.

[23] When One Of The Spouses Embraces Islam

2238- It is narrated on the authority of Ibn Abbas that during the lifetime of the Messenger of Allah "Allah's blessing and peace be upon him", a man came as a Muslim, and later his wife came as a Muslim. He said to the Messenger of Allah "Allah's blessing and peace be upon him": "O Messenger of Allah! She had embraced Islam with me." On that the Messenger of Allah "Allah's blessing and peace be upon him" brought her back to him.

2239- It is narrated on the authority of Ibn Abbas that during the lifetime of the Messenger of Allah "Allah's blessing and peace be upon him", a woman (whose husband was a pagan) came and embraced Islam, and the Messenger of Allah "Allah's blessing and peace be upon him" gave her in marriage to one of the Muslims. Later, her (previous) husband came and said: "O Messenger of Allah! I had embraced Islam, and she had knowledge of that." On that the Messenger of Allah "Allah's blessing and peace be upon him" took her from her (latter) husband, and brought her back to her (former) husband (after the termination of the prescribed period of her Iddat).

[24] Within Which Range Of Time Could She Be Brought Back To Her Husband After He Embraces Islam?

2240- It is narrated on the authority of Ibn Abbas that the Messenger of Allah "Allah's blessing and peace be upon him" restored his daughter Zainab to Abu Al-As Ibn Ar-Rabie because of her former marriage (to him with a new wedlock when he embraced Islam) two (or six) years after (dissolving the former wedlock).

[25] When One Embraces Islam And He Has More Than Four Wives, Or Has Two Sisters As His Wives

2241- It is narrated on the authority of Al-Harith Ibn Qabisah Ibn Amirah Al-Azdi that he said: I embraced Islam while I had eight wives. I

مُغِيثٍ ـ عَبْدٍ لآلِ أبي أحْمَدَ ـ فَخَيَّرَهَا رَسُولُ اللَّهِ ﷺ وَقَالَ لَهَا: «**إنْ قَرِبَكِ فَلاَ خِيَارَ لَكِ**».

[ت22/م21، 22] ـ باب في المملوكَيْنِ يُعْتَقان معًا، هل تخَيرِ امرأتُه؟

2237 ـ حدّثنا زُهَيْرُ بنُ حَرْبٍ وَنَصْرُ بنُ عَلِيٍّ قالَ زُهَيْرٌ: حدَّثنا عُبَيْدُ اللَّهِ بنُ عَبْدِ المَجِيدِ: حدَّثنا عُبَيْدُ اللَّهِ بنُ عَبْدِ الرَّحْمَنِ بنِ مَوْهَبٍ، عن الْقَاسِمِ، عنْ عَائِشَةَ: «أَنَّهَا أَرَادَتْ أَنْ تُعْتِقَ مَمْلُوكَيْنِ لَهَا زوجين، قالَ: فَسأَلْتُ النَّبِيَّ ﷺ عنْ ذَلِكَ، فَأَمَرَهَا أنْ تَبْدَأَ بالرَّجُلِ قَبْلَ المَرْأَةِ».

قالَ نَصْرٌ: أخبرني أبُو عَلِيٍّ الْحَنَفِي عنْ عُبَيْدِ اللَّهِ.

[ت23/م22 ، 23] ـ باب إذا أسْلَم أحدُ الزوجين

2238 ـ حدّثنا عُثْمَانُ بنُ أبي شَيْبَةَ: حدَّثنا وَكِيعٌ، عن إسْرائِيلَ، عن سِمَاكٍ، عنْ عِكْرِمَةَ، عن ابن عَبَّاسٍ: «أَنَّ رَجُلاً جَاءَ مُسْلِمًا عَلَى عَهْدِ رَسُولِ اللَّهِ ﷺ ثُمَّ جَاءَتِ امْرَأَتُهُ مُسْلِمَةً بَعْدَهُ، فقالَ: يَا رَسُولَ اللَّهِ إنَّهَا قَدْ كَانَتْ أَسْلَمَتْ مَعِيَ فَرَدَّهَا عَلَيْهِ».

2239 ـ حدّثنا نَصْرُ بنُ عَلِيٍّ: أخبرني أبو أَحْمَد، عن إسْرَائِيلَ، عنْ سِمَاكٍ، عن عِكْرِمَةَ، عن ابن عَبَّاسٍ قال: «أَسْلَمَتِ امْرَأَةٌ عَلَى عَهْدِ رَسُولِ اللَّهِ ﷺ فَتَزَوَّجَتْ فَجَاءَ زَوْجُهَا إلَى النَّبِيِّ ﷺ فقالَ: يَا رَسُولَ اللَّهِ إنِّي كُنْتُ قَدْ أَسْلَمْتُ وَعَلِمَتْ بِإسْلاَمِي، فانْتَزَعَهَا رَسُولُ اللَّهِ ﷺ مِنْ زَوْجِهَا الآخَرِ وَرَدَّهَا إلَى زَوْجِهَا الأَوَّلِ».

[ت24/م23 ، 24] ـ باب إلى متى تُرَد عليه امرأتُه إذا أسْلَم بعدها؟

2240 ـ حدّثنا عَبْدُ اللَّهِ بنُ مُحَمَّدٍ النُّفَيْلِيُّ: حدَّثنا مُحَمَّدُ بنُ سَلَمَةَ. (ح) حدَّثنا مُحَمَّدُ بنُ عَمْرٍو الرَّازِيُّ: حدَّثنا سَلَمَةَ ـ يَعْني ابنَ الْفَضْلِ ـ. (ح) وحدَّثنا الْحَسَنُ بنُ عَلِيٍّ: حدَّثنا يَزِيدُ المعنى كُلُّهُمْ، عن ابنِ إسْحَاقَ، عن دَاوُدَ بنِ الْحُصَيْنِ، عن عِكْرِمَةَ، عن ابنِ عَبَّاسٍ قال: «رَدَّ رَسُولُ اللَّهِ ﷺ ابْنَتَهُ زَيْنَبَ عَلَى أَبِي الْعَاصِ بالنِّكَاحِ الأَوَّلِ، لم يُحْدِثْ شَيْئًا».

قال مُحَمَّدُ بنُ عَمْرو في حَدِيثِهِ: بَعْدَ سِتِّ سِنِينَ. وَقال الْحَسَنُ بنُ عَلِيٍّ: بَعْدَ سَنَتَيْنِ.

[ت25/م24، 25] ـ باب مَنْ أسْلَم وعنده نساء أكثر من أربع أو أختان

2241 ـ حدّثنا مُسَدَّدٌ: حدَّثنا هُشَيمٌ. (ح) وحدَّثنا وَهْبُ بنُ بَقِيَّةَ: أخبرنا هُشَيْمٌ، عن ابنِ أبي لَيْلَى، عن حُمَيْضَةَ بنِ الشَّمَرْذَلِ، عن الحارِثِ بنِ قَيْسٍ ـ قال

made a mention of that to the Messenger of Allah "Allah's blessing and peace be upon him", who commanded me to choose only four of them (to remain with me and divorce the other four).

2242- The same is narrated on the authority of Qais Ibn Al-Harith through the same chain of transmitters.

2243- It is narrated on the authority of Ishaq Ibn Fairuz from his father that he said: I said to the Messenger of Allah "Allah's blessing and peace be upon him": "O Messenger of Allah! I've embraced Islam, while having two sisters as my wives." The Messenger of Allah "Allah's blessing and peace be upon him" said: "Divorce whomever of them you like."

[26] When One Of Both Parents Embraces Islam, With Whom Should The Child Be?

2244- It is narrated on the authority of Abd Al-Hamid Ibn Ja'far: My father told me from my grandfather Rafi' Ibn Sinan that he embraced Islam, and his wife refused to embrace Islam. She came to the Messenger of Allah "Allah's blessing and peace be upon him" and said: "(Let me keep with me) my daughter!" and she is weaned or something like that. Rafi' said: "(Let me take with me) my daughter!" the Messenger of Allah "Allah's blessing and peace be upon him" said to him: "Sit in one side (of the chamber)!" he said to her: "Sit in one side (of the chamber)." He made the female child sit between them. Then he said to them: "Call her." The female child inclined to her mother. The Messenger of Allah "Allah's blessing and peace be upon him" said: "O Allah! Give her guidance!" She then inclined to her father who took her.

[27] What About Li'an

(Invoking Allah's curse upon the liar of the couple when the husband accuses his wife of committing adultery)

2245- It is narrated on the authority of Sahl Ibn Sa'd As-Sa'idi that he said: Uwaimir Ibn Ashqar Al-Ajlani came to Asim Ibn Adi Al-Ansari and said: "What do you say about a man who has found another man with his wife? Should he kill him whereupon you would kill him (The husband), or what should he do? Please, O Asim, ask Allah's Apostle "Allah's blessing and peace be upon him" about this matter on my behalf." Asim asked The Messenger of Allah "Allah's blessing and peace be upon him" about that. But Allah's Apostle "Allah's blessing and peace be upon him" disliked the question and considered it as shameful to the extent that Asim felt it because of what The Messenger of Allah "Allah's blessing and peace be upon him" had said to him.

مُسَدَّدٌ: ابْنِ عُمَيْرَة، وَقال وَهْبٌ: الأسَدِيِّ ـ قال: أَسْلَمْتُ وَعِنْدِي ثمَانُ نِسْوَةٍ، قالَ: فَذَكَرْتُ ذَلِكَ للنَّبيِّ ﷺ، فقالَ النَّبيُّ ﷺ: «**اخْتَرْ مِنْهُنَّ أرْبعًا**».

قال أَبُو دَاوُدَ: وحدَّثنا بِهِ أَحْمَدُ بنُ إبراهِيمَ: حدَّثنا هُشَيْمٌ بِهذَا الحدِيثِ فقال: قَيْسُ بنُ الحارِثِ مكانَ الحارِثِ بنِ قَيْسٍ، قال أَحْمَدُ بنُ إبراهِيمَ: هَذَا هُوَ الصَّوَابُ ـ يَعْنِي قَيْسَ بنَ الحارِثِ ـ.

2242 ـ حدّثنا أَحْمَدُ بنُ إبراهِيمَ: حدَّثنا بَكْرُ بنُ عَبْدِ الرَّحْمَنِ قاضِي الْكُوفَةِ، عن عِيسَى بنِ الْمُخْتَارِ، عن ابنِ أبي لَيْلَى، عن حُمَيْضَةَ بنِ الشَّمَرْدَلِ، عن قَيْسِ بنِ الحارِثِ بِمَعْنَاهُ.

2243 ـ حدّثنا يَحْيَى بنُ مَعِينٍ: حدَّثنا وَهْبُ بنُ جَرِيرٍ، عن أَبِيهِ قال: سَمِعْتُ يَحْيَى بنَ أَيُّوبَ يُحَدِّثُ، عن يَزِيدَ بنِ أبي حَبِيبٍ، عن أبي وَهْبٍ الْجَيْشَانِيِّ، عن الضَّحَّاكِ بنِ فَيْرُوزَ، عن أَبِيهِ قال: قُلْتُ: يَا رَسُولَ اللَّهِ إِنِّي أَسْلَمْتُ وَتَحْتِي أُخْتَانِ، قال: «**طَلِّقْ أَيَّتَهُمَا شِئْتَ**».

[ت26/م25، 26] ـ باب إذا أسلم أحد الأبوين مع مَنْ يكون الولد؟

2244 ـ حدّثنا إبراهِيمُ بنُ مُوسَى الرَّازِيُّ: أخبرنا عِيسَى: حدَّثنا عَبْدُ الْحَمِيدِ بنُ جَعْفَرٍ: أخبرني أَبِي، عن جَدِّي رَافِعِ بنِ سِنَانٍ أَنَّهُ أَسْلَمَ، وَأَبَتِ امْرَأَتُهُ أَنْ تُسْلِمَ، فَأَتَتِ النَّبيَّ ﷺ فَقَالَتْ: «ابْنَتِي وَهِيَ فَطِيمٌ أَوْ شَبَهُهُ، وَقال رَافِعٌ: ابْنَتِي، فقال لَهُ النَّبيُّ ﷺ: «**اُقْعُدْ نَاحِيَةً**»، وَقال لَها: «**اُقْعُدِي نَاحِيَةً**»، قال: وَأَقْعَدَ الصَّبِيَّةَ بَيْنَهُمَا، ثُمَّ قال: «**ادْعُواهَا**»، فَمَالَتِ الصَّبِيَّةُ إلى أُمِّهَا، فقال النَّبيُّ ﷺ: «**اللَّهُمَّ اهْدِهَا**»، فَمَالَتِ الصَّبِيَّةُ إلى أَبِيهَا، فَأَخَذَهَا».

[ت27/م26 ، 27] ـ باب في اللِّعان

2245 ـ حدّثنا عَبْدُ اللَّهِ بنُ مَسْلَمَةَ الْقَعْنَبِيُّ، عن مَالِكٍ، عن ابنِ شِهَابٍ: «أَنَّ سَهْلَ بنَ سَعْدٍ السَّاعِدِيَّ أَخْبَرَهُ أَنَّ عُوَيْمِرَ بنَ أَشْقَرَ الْعَجْلاَنِيَّ جَاءَ إلى عَاصِمِ بنِ عَدِيٍّ فقال لَهُ: «يَا عَاصِمُ أَرَأَيْتَ رَجُلاً وَجَدَ مَعَ امْرَأَتِهِ رَجُلاً أَيَقْتُلُهُ فَتَقْتُلُونَهُ أَمْ كَيْفَ يَفْعَلُ؟ سَلْ لِي يَا عَاصِمُ رَسُولَ اللَّهِ ﷺ عَنْ ذَلِكَ، فَسَأَلَ عَاصِمٌ رَسُولَ اللَّهِ ﷺ، فَكَرِهَ رَسُولُ اللَّهِ ﷺ الْمَسَائِلَ وَعابَهَا حَتَّى كَبُرَ عَلَى عَاصِمٍ ما سَمِعَ مِنْ رَسُولِ اللَّهِ ﷺ، فَلَمَّا رَجَعَ عَاصِمٌ إلى أَهْلِهِ جَاءَهُ عُوَيْمِرٌ فقالَ: يَا عَاصِمُ مَاذَا قال لَكَ

Then Asim returned home and Uwaimir came to him. Uwaimir asked Asim: “O Asim! What did The Messenger of Allah “Allah’s blessing and peace be upon him” answer you?” Asim replied: “You brought to me no good. Allah's Apostle "Allah's blessing and peace be upon him" disliked such questions and considered them as shameful." Uwaimir then said: "By Allah, I will not give up asking unless I ask Allah's Apostle "Allah's blessing and peace be upon him" about it.” Uwaimir came to The Prophet “Allah’s blessing and peace be upon him” and said to him while being in the gathering of people: "O Allah's Apostle! A man has found another man with his wife! Should he kill him whereupon you would kill him (the husband, in retaliation) or what should he do?" Allah's Apostle "Allah's blessing and peace be upon him" said: "Allah has revealed regarding you and your wife's case in the Qur’an. Go and bring her.” Sahl told: They performed the measures of Li’an (invoking Allah's curse upon the liar) according to what Allah had mentioned in His Book, while I was present with The Messenger of Allah “Allah’s blessing and peace be upon him”. Uwaimir said: "O Allah's Apostle! If I kept her I would be a liar." So Uwaimir divorced her thrice before being ordered by The Messenger of Allah “Allah’s blessing and peace be upon him”. Ibn Shihab said: In this way, divorce became a tradition for the invokers of curses (upon the liar of them, husband and wife when she is accused of committing adultery).

2246- It is narrated on the authority of Sahl Ibn Sa’d that the Messenger of Allah “Allah’s blessing and peace be upon him” said to Asim Ibn Adi: “Keep the woman in your house until she delivers her child.”

2247- It is narrated on the authority of Sahl Ibn Sa’d that he said: I was present with the Messenger of Allah “Allah’s blessing and peace be upon him” when both performed the measures of Li’an, and I was fifteen years old…and the rest is the same, in which he said: Then, she became pregnant, and (when she gave birth) the child was ascribed to his mother.

2248- It is narrated on the authority of Sahl Ibn Sa’d that he said, concerning the story of those involved in the measures of Li’an: The Messenger of Allah “Allah’s blessing and peace be upon him” said: “Look! If she (Uwaimir's wife) delivers a black child with deep black large eyes, big hips and fat legs, then I will be of the opinion that Uwaimir has spoken the truth; but if she delivers a red child looking like a Wahrah (a

رَسُولُ اللَّهِ ﷺ؟ فقال عَاصِمٌ: لَمْ تَأْتِنِي بِخَيْرٍ، قَدْ كَرِهَ رَسُولُ اللَّهِ ﷺ المَسْأَلَةَ الَّتي سَأَلْتُهُ عَنْهَا. فقال عُوَيْمِرٌ: واللَّهِ لا أَنْتَهِي حَتَّى أَسْأَلَهُ عَنْهَا فأَقْبَلَ عُوَيْمِرٌ حتى أتى رَسُولَ اللَّهِ ﷺ وَهُوَ وَسَطَ النَّاسِ فقال: يَا رَسُولَ اللَّهِ أَرَأَيْتَ رَجُلاً وَجَدَ مَعَ امْرَأَتِهِ رَجُلاً أَيَقْتُلُهُ فَتَقْتُلُونَه أَمْ كَيْفَ يَفْعَلُ؟ فقال رَسُولُ اللَّهِ ﷺ: «**قَدْ أُنْزِل فيكَ وَفي صَاحِبَتِكَ قُرْآنٌ فاذْهَبْ فَأْتِ بِهَا**». قال سَهْلٌ: فَتلاَعَنَّا وَأَنَا مَعَ النَّاسِ عِنْدَ رَسُولِ اللَّهِ ﷺ، فَلَمَّا فَرَغَا، قال عُوَيْمِرٌ: كَذَبْتُ عَلَيْهَا يَا رَسُولَ اللَّهِ إنْ أمْسَكْتُهَا، فَطَلَّقَهَا عُوَيْمِرٌ ثَلاثًا قَبْلَ أنْ يَأْمُرَهُ النَّبيُّ ﷺ».

قال ابنُ شِهَابٍ: فَكَانَتْ تِلْكَ سُنَّةُ المُتَلاَعِنَيْنِ.

2246 ـ حدّثنا عَبْدُ الْعَزِيزِ بنُ يَحْيَى أبو الأصبغ الحراني: حدثني مُحَمَّدٌ ـ يَعني ابنَ سَلَمَةَ ـ، عن مُحَمَّدِ بنِ إسْحَاقَ: حَدَّثَني عَبَّاسُ بنُ سَهْلِ بْنِ سَعْدٍ، عن أبِيهِ: أنَّ النَّبيَّ ﷺ قال لِعَاصِمِ بنِ عَدِيٍّ: «**أَمْسِكِ المَرْأَةَ عِنْدَكَ حتى تَلِدَ**».

2247 ـ حدّثنا أَحْمَدُ بنُ صَالِحٍ: حدَّثنا ابنُ وَهْبٍ، قال: أخبرني يُونُسُ، عن سَهْلِ بنِ سَعْدٍ السَّاعِدِيِّ، قال: «حَضَرْتُ لِعَانَهُمَا عِنْدَ رَسُولِ اللَّهِ ﷺ وَأَنَا ابنُ خَمْسَ عَشْرَةَ سَنَةً، وَسَاقَ الحديثَ، قال فِيهِ: ثُمَّ خَرَجَتْ حَامِلاً، فَكَانَ الْوَلَدُ يُدْعَى إلى أُمِّهِ».

2248 ـ حدّثنا مُحَمَّدُ بنُ جَعْفَرٍ الْوَرَكَانِيُّ: أخبرنا إبراهِيمُ ـ يَعني ابنَ سَعْدٍ ـ، عن الزُّهْرِيِّ، عن سَهْلِ بنِ سَعْدٍ في خَبَرِ المُتَلاَعِنَيْنِ، قال: قال النَّبيُّ ﷺ: «**أَبْصِرُوهَا، فَإِنْ جَاءَتْ بِهِ أَدْعَجَ الْعَيْنَيْنِ عَظِيمَ الأَلْيَتَيْنِ فَلاَ أُرَاهُ إلاَّ قَدْ صَدَقَ، وَإِنْ جَاءَتْ بِهِ أُحَيْمِرَ كَأَنَّهُ وَحَرَة فَلاَ أُرَاهُ إلاَّ كَاذِبًا**»، قال:

land red insect) then we will consider that Uwaimir has told a lie against her." Later on she delivered a child carrying the qualities of the evil (sin she had committed, which The Messenger of Allah "Allah's blessing and peace be upon him" had mentioned as a proof for Uwaimir's claim).

2249- It is narrated on the authority of Sahl Ibn Sa'd that he told this story, in which he said: Henceforth, the child was ascribed to his mother.

2250- It is narrated on the authority of Sahl Ibn Sa'd concerning the story of those involved in the measures of Li'an: Then, he divorced her thrice in the presence of the Messenger of Allah "Allah's blessing and peace be upon him", and the Messenger of Allah "Allah's blessing and peace be upon him" put it to practice. In this way, that which happened in the presence of the Messenger of Allah "Allah's blessing and peace be upon him" came to be a tradition followed by any couple of similar case (i.e. that the husband should divorce his wife thrice after carrying out the measures of Li'an). Sahl said: I was present with the Messenger of Allah "Allah's blessing and peace be upon him" when that happened, and from that time on, it became out of the sunnah that both parties involved in the measures of Li'an should be parted, and they should never gather (as spouses).

2251- It is narrated on the authority of Sahl Ibn Sa'd that he said: I saw the couple involved in carrying out the measures of Li'an while I was present with the Messenger of Allah "Allah's blessing and peace be upon him", and at that time, I was fifteen years old. Then, the Messenger of Allah "Allah's blessing and peace be upon him" parted them, just after they had been engaged in Li'an. The man said in this respect: "O Messenger of Allah! I would be a liar if I kept her with me (as my wife)."

Abu Dawud says: No one follows Ibn Uyainah in the fact that he parted the couple involved in carrying out the measures of Li'an.

2252- It is narrated on the authority of Sahl Ibn Sa'd concerning the story of Li'an: She was pregnant, and he denied that her pregnancy (belonged to him), thereupon the child was ascribed to her. Then, it became out of the sunnah in relation to the inheritance that he should inherit from her, as well as she from him in accordance with the obligatory share fixed to her by Allah Almighty.

2253- It is narrated on the authority of Abdullah that he said: While we were sitting in the mosque on the night prior to Friday, a man said:

فَجَاءَتْ بِهِ عَلَى النَّعْتِ الْمَكْرُوهِ.

2249 ـ حدّثنا مَحْمُودُ بنُ خَالِدٍ الدِّمَشْقِيُّ: حدَّثنا الْفِرْيَابيُّ، عن الأَوْزَاعِيِّ، عن الزُّهْرِيِّ، عن سَهْلِ بنِ سَعْدٍ السَّاعِدِيِّ بِهَذَا الْخَبَرِ قالَ: «فَكَانَ يُدْعَى ـ يَعني الْوَلَدَ ـ لأُمِّهِ».

2250 ـ حدّثنا أَحْمَدُ بنُ عَمْرِو بنِ السَّرْحِ: حدَّثنا ابنُ وَهْبٍ، عن عِيَاضِ بن عَبْدِ اللَّهِ الْفِهْرِيِّ وَغَيْرِهِ، عَنِ ابنِ شِهَابٍ، عنْ سَهْلِ بن سَعْدٍ في هَذَا الْخَبَرِ قال: «فَطَلَّقَهَا ثَلاَثَ تَطْلِيقَاتٍ عِنْدَ رَسُولِ اللَّهِ ﷺ، فَأَنْفَذَهُ رَسُولُ اللَّهِ ﷺ وَكَانَ مَا صُنِعَ عِنْدَ النَّبيِّ ﷺ سُنَّةً».

قالَ سَهْلٌ: «حَضَرْتُ هَذَا عِنْدَ رَسُولِ اللَّهِ ﷺ فَمَضَتِ السُّنَّةُ بَعْدُ في الْمُتَلاَعِنَيْنِ أَنْ يُفَرَّقَ بَيْنَهُمَا ثُمَّ لاَ يَجْتَمِعَانِ أَبَدًا».

2251 ـ حدّثنا مُسَدَّدٌ وَوَهْبُ بنُ بَيَانٍ وَأَحْمَدُ بنُ عَمْرِو بن السَّرْحِ وَعَمْرُو بنُ عُثْمَانَ، قالُوا: حدَّثنا سُفْيَانُ، عن الزُّهْرِيِّ، عنْ سَهْلِ بن سَعْدٍ، قالَ مُسَدَّدٌ: قال «شَهِدْتُ الْمُتَلاَعِنَيْنِ عَلَى عَهْدِ رَسُولِ اللَّهِ ﷺ وَأَنَا ابْنُ خَمْسَ عَشْرَةَ سنة، فَفَرَّقَ بَيْنَهُمَا رَسُولُ اللَّهِ ﷺ حِينَ تَلاَعَنَا وَتَمَّ حَدِيثُ مُسَدَّدٍ، وَقالَ الآخَرُونَ: إِنَّهُ شَهِدَ النَّبيَّ ﷺ فَرَّقَ بَيْنَ الْمُتَلاَعِنَيْنِ فَقالَ الرَّجُلُ: كَذَبْتُ عَلَيْهَا يَا رَسُولَ اللَّهِ إِنْ أَمْسَكْتُهَا».

قال أَبُو دَاوُدَ: وَبَعْضُهُمْ لَمْ يَقُلْ «عَلَيْهَا».

قال أَبُو دَاوُدَ: لَمْ يُتَابِعْ ابْنَ عُيَيْنَةَ أَحَدٌ عَلَى أَنَّهُ فَرَّقَ بَيْنَ الْمُتَلاَعِنَيْنِ.

2252 ـ حدّثنا سُلَيْمَانُ بنُ دَاوُدَ أبو الربيع الْعَتَكِيُّ: حدَّثنا فُلَيْحٌ، عن الزُّهْرِيِّ، عنْ سَهْلِ بنِ سَعْدٍ في هَذَا الْحَدِيثِ: «وَكَانَتْ حَامِلاً فَأَنْكَرَ حَمْلَهَا فَكَانَ ابْنُهَا يُدْعَى إِلَيْهَا، ثُمَّ جَرَتِ السُّنَّةُ في الْمِيرَاثِ أَنْ يَرِثَهَا وَتَرِثَ مِنْهُ مَا فَرَضَ اللَّهُ عَزَّ وَجَلَّ لَهَا».

2253 ـ حدّثنا عُثْمَانُ بنُ أَبِي شَيْبَةَ: حدَّثنا جَرِيرٌ، عن الأَعْمَشِ، عن إبراهِيمَ، عن عَلْقَمَةَ، عنْ عَبْدِ اللَّهِ بن مسعودٍ قالَ: «إِنَّا لَلَيْلَةَ جُمُعَةٍ في الْمَسْجِدِ إِذْ

“If a man found another man (committing adultery) with his wife and he spoke (that his wife committed adultery) you would lash him (in implementation of the legal punishment of false charge against women); and if he killed him, you would kill him (in implementation of the law of equality); and if he kept silent, he would keep silent while being in the state of anger: by Allah: I’m going to ask the Messenger of Allah “Allah’s blessing and peace be upon him” about that.” In the morning he went to the Messenger of Allah “Allah’s blessing and peace be upon him” and said to him: “If a man found another man (committing adultery) with his wife and he spoke (that his wife committed adultery) you would lash him (in implementation of the legal punishment of false charge against women); and if he killed him, you would kill him (in implementation of the law of equality); and if he kept silent, he would keep silent while being in the state of anger: thereupon the Messenger of Allah “Allah’s blessing and peace be upon him” said: “O Allah! Make a decision (concerning this matter)!” he kept invoking until Allah revealed the Holy Verse of Li’an (being engaged in the measures of invoking Allah’s curse upon the liar of the couple when the husband accuses his wife of committing adultery): “And for those who launch a charge against their spouses, and have (in support) no evidence but their own, - their solitary evidence (can be received) if - they bear witness four times (with an oath) by Allah that they are solemnly telling the Truth.” Afterwards, this man from among the people was put to trial on account of this Holy Verse, thereupon he and his wife came to the Messenger of Allah “Allah’s blessing and peace be upon him” and were engaged in the measures of invoking Allah’s Curse against the liar of both: the man bore witness four times (with an oath) by Allah that he was solemnly telling the Truth, and the fifth is that Allah’s Curse be upon him if he was telling a lie. The woman betook herself to do her part in the curse, and when the Messenger of Allah “Allah’s blessing and peace be upon him” asked her to give herself an opportunity (for consideration) she refused and went on cursing. When she turned back he said: “Perhaps, she would deliver a child of black complexion and curly hair.”

2254- It is narrated on the authority of Ibn Abbas: Hilal Ibn Umayyah accused his wife of committing adultery with Sharik Ibn Sahma and filed the case before The Prophet. The Prophet "Allah's blessing and peace be upon him" said (to Hilal): "Either you bring forth a proof (four witnesses) or you will receive the legal punishment (lashes) on your back." Hilal said: “O Allah's Apostle! If anyone of us saw another man over his wife, would

دَخلَ رَجُلٌ مِنَ الأَنْصارِ في المَسْجِدِ، فَقالَ: لَوْ أَنَّ رَجُلاً وَجدَ مَعَ امْرَأَتِهِ رَجُلاً فَتكَلَّمَ بِهِ جَلَدْتُمُوهُ، أَوْ قَتَلَ قَتَلْتُمُوهُ، فَإِنْ سَكتَ سَكَتَ عَلَى غَيْظٍ، وَاللَّهِ لأَسْأَلَنَّ عَنْهُ رَسُولَ اللَّهِ ﷺ، فَلَمَّا كَانَ مِنَ الْغَدِ أَتَى رَسُولَ اللَّهِ ﷺ، فَسَأَلَهُ، فَقَالَ: لَوْ أَنَّ رَجُلاً وَجدَ مَعَ امْرَأَتِهِ رَجُلاً فَتكَلَّمَ بِهِ جَلَدْتُمُوهُ أَوْ قَتَلَ قَتَلْتُمُوهُ أَوْ سَكَتَ سَكَتَ عَلَى غَيْظٍ، فَقَالَ: «**اللَّهُمَّ افْتَحْ**» وَجعَلَ يَدْعُو، فَنَزَلَتْ آيَةُ اللِّعَانِ: ﴿وَالَّذِينَ يَرْمُونَ أَزْوَاجَهُمْ وَلَمْ يَكُن لَّهُمْ شُهَدَاءُ إِلَّا أَنفُسُهُمْ﴾ [النور: 6] هَذِهِ الآيَة فَابْتُلِيَ بِهِ ذَلِكَ الرَّجُلُ مِنْ بَيْنَ النَّاسِ، فَجَاءَ هُوَ وَامْرَأَتُهُ إلى رَسُولِ اللَّهِ ﷺ، فَتلاَعَنا، فَشَهِدَ الرَّجُلُ أَرْبَعَ شَهادَاتٍ بِاللَّهِ إِنَّهُ لَمِنَ الصَّادِقِينَ ثُمَّ لَعَنَ الْخَامِسَةَ لعنة اللَّهِ عَلَيْهِ إنْ كانَ مِنَ الْكَاذِبِين. قالَ: فَذَهَبَتْ لِتَلْتَعِنَ فقالَ لَهَا النَّبيُّ ﷺ: «**مَهْ**»، فَأَبَتْ فَفَعَلَتْ، فَلَمَّا أَدبَرَا قَالَ: «**لَعَلَّهَا أَنْ تَجِيءَ بِهِ أَسْوَدَ جَعْدًا**»، فَجَاءَتْ بِهِ أَسْوَدَ جَعْدًا».

2254 ـ حدّثنا مُحَمَّدُ بنُ بَشَّارٍ: حدَّثنا ابنُ أبي عَدِيٍّ: أخبرنا هِشَامُ بنُ حَسَّانَ: حَدَّثني عِكْرِمَةُ، عن ابن عَبَّاسٍ: أَنَّ هِلالَ بنَ أُمَيَّةَ قَذَفَ امْرَأَتَهُ عِنْدَ النَّبيِّ ﷺ بِشَرِيكِ بن سَحْمَاءَ، فَقالَ النَّبيُّ ﷺ: «**الْبَيِّنَةَ أَوْ حَدٌّ في ظَهْرِكَ**»، فَقالَ: يَا رَسُولَ اللَّهِ إذا رَأَى أَحَدُنَا رَجُلاً عَلَى امْرَأَتِهِ يَلْتَمِسُ الْبَيِّنَةَ؟ فَجعَلَ النَّبيُّ ﷺ

he go to search for a proof." The Prophet “Allah’s blessing and peace be upon him” went on saying: “Produce a proof or else you would get the legal punishment (by being lashed) on your back." Hilal said: "By Him, Who sent you with the Truth, I am telling the truth and Allah will reveal to you what will save my back from legal punishment." Then Allah revealed to him: "And for those who launch a charge against their spouses, and have (in support) no evidence but their own, their solitary evidence (can be received) if they bear witness four times (with an oath) by Allah that they are solemnly telling the truth; And the fifth (oath) (should be) that they solemnly invoke the curse of Allah on themselves if they tell a lie. But it would avert the punishment from the wife, if she bears witness four times (with an oath) by Allah, that (her husband) is telling a lie; And the fifth (oath) should be that she solemnly invokes the wrath of Allah on herself if (her accuser) is telling the truth." (An-Nur 6:8) Then The Prophet "Allah's blessing and peace be upon him" left and sent for both. They came, and Hilal stood up and took the oaths (first confirming the claim), while the Prophet "Allah's blessing and peace be upon him" was saying: "Allah knows that one of you is a liar, so will any of you repent?" Then the woman got up and took the oaths and when she was going to take the fifth one, that she solemnly invokes the wrath of Allah on herself if (her accuser) is telling the truth, the people stopped her and said: "It (the fifth oath) will definitely bring Allah's curse on you (if you are guilty)." So she hesitated and shrank back (from taking the oath) so much that we thought that she would withdraw her denial. But then she said: "I will not dishonour my family all through these days," and carried on (the process of taking oaths). The Prophet "Allah's blessing and peace be upon him" then said: "Watch her: if she delivers a black-eyed child with big hips and fat shins then it is Sharik Ibn Sahma's child." Later she delivered a child of such a description. So The Prophet "Allah's blessing and peace be upon him" said: "Had the case not been settled by Allah's Law, I would have punished her severely."

2255- It is narrated on the authority of Ibn Abbas that when the couple who were engaged in carrying out the measures of Li’an went on taking the oaths, and sending the curses, the Messenger of Allah “Allah’s blessing and peace be upon him” ordered a man to put his hand over his mouth at the fifth and say: “It affirms (Allah’s Curse and Wrath in case of telling a lie).”

2256- It is narrated on the authority of Ikrimah from Ibn Abbas that he said: Hilal Ibn Umayyah, one of the three persons to whom Allah Almighty turned in repentance when they failed to attend the holy battle of

يَقُولُ: «**الْبَيِّنَةَ وَإِلاَّ فَحَدٌّ في ظَهْرِكَ**»، فَقالَ هِلالٌ: والَّذِي بَعَثَكَ بالْحَقِّ نَبِيًّا إنِّي لَصادِقٌ وَلَيُنْزِلَنَّ اللَّهُ في أَمْرِي مَا يُبَرِّىءُ بِهِ ظَهْرِي مِنَ الْحَدِّ، فَنَزَلَتْ: ﴿وَٱلَّذِينَ يَرْمُونَ أَزْوَٰجَهُمْ وَلَمْ يَكُن لَّهُمْ شُهَدَآءُ إِلَّآ أَنفُسُهُمْ﴾ فَقَرَأَ حَتَّى بَلَغَ ﴿لَمِنَ ٱلصَّٰدِقِينَ ۝٦﴾[النور: 6]، فَانْصَرفَ النَّبيُّ ﷺ، فَأَرْسَلَ إِلَيْهِمَا فَجاءَا فَقامَ هِلاَلُ بنُ أُمَيَّةَ فَشَهِدَ وَالنَّبيُّ ﷺ يَقُولُ: «**اللَّهُ يَعْلَمُ أَنَّ أَحَدَكُمَا كَاذِبٌ، فَهَلْ مِنْكُمَا مِنْ تَائِبٍ؟**» ثُمَّ قَامَتْ فَشَهِدَتْ، فَلَمَّا كانَ عِنْدَ الْخَامِسَةِ ﴿أَنَّ غَضَبَ ٱللَّهِ عَلَيْهَآ إِن كَانَ مِنَ ٱلصَّٰدِقِينَ ۝٩﴾ [النور: ٩]، وَقالُوا لَها: إِنَّهَا مُوجِبَةٌ، قالَ ابنُ عَبَّاسٍ: فَتَلَكَّأَتْ وَنَكَصَتْ حَتَّى ظَنَنَّا أَنَّها سَتَرْجِعُ، فَقَالَتْ: لاَ أَفْضَحُ قَوْمِي سَائِرَ الْيَوْمِ، فَمَضَتْ، فقَالَ النَّبيُّ ﷺ: «**أَبْصِرُوهَا فَإِنْ جَاءَتْ بِهِ أَكْحَلَ الْعَيْنَيْنِ سَابغَ الأَلْيَتَيْنِ خَدَلَّجَ السَّاقَيْنِ فَهُوَ لِشَرِيكِ بنِ سَحْمَاء**» فَجَاءَتْ بِهِ كَذَلِكَ، فقالَ النَّبيُّ ﷺ: «**لَوْلاَ مَا مَضَى مِنْ كِتَابِ اللَّهِ لَكَانَ لِي وَلَهَا شَأْنٌ**».

قال أَبُو دَاوُدَ: وَهَذَا مِمَّا تَفَرَّدَ بِهِ أَهْلُ الْمَدِينَةِ حَدِيثُ ابن بَشَّارٍ حَدِيثَ هِلاَلٍ.

2255 ـ حدّثنا مَخْلَدُ بنُ خَالِدٍ الشَّعِيرِيُّ: حدَّثنا سُفْيَانُ، عن عَاصِمِ بنِ كُلَيْبٍ، عنْ أَبِيهِ، عن ابنِ عَبَّاسٍ: «أَنَّ النَّبيَّ ﷺ أَمَرَ رَجُلاً حِينَ أَمَرَ الْمُتَلاَعِنَيْنِ أَنْ يَتَلاعَنَا أَنْ يَضَعَ يَدَهُ عَلَى فِيهِ عِنْدَ الْخَامِسَةِ يَقُولُ إِنَّهَا مُوجِبَةٌ».

2256 ـ حدّثنا الْحَسَنُ بنُ عَلِيٍّ: حدَّثنا يَزِيدُ بنُ هارُونَ: حدَّثنا عَبَّادُ بنُ مَنْصُورٍ، عن عِكْرِمَةَ، عن ابن عَبَّاسٍ قال: جَاءَ هِلاَلُ بنُ أُمَيَّةَ وَهُوَ أَحَدُ الثَّلاَثَةِ الَّذِينَ تَابَ اللَّهُ عَلَيْهِمْ؛ فَجَاءَ مِنْ أَرْضِهِ عَشِيًا فَوَجَدَ عِنْدَ أَهْلِهِ

Tabuk with the Messenger of Allah "Allah's blessing and peace be upon him", came home and found his wife having a strange man, and he saw with his eyes, and heard with his ears (how they practiced adultery), but he did not disturb him until it was morning when he came to the Messenger of Allah "Allah's blessing and peace be upon him" and said: "O Messenger of Allah! Yesterday evening, I came to my wife and found a strange man with her: I saw with my eyes and heard with my ears (how they had illegal sexual relation with one another)." The Messenger of Allah "Allah's blessing and peace be upon him" disliked what he had said, and it became hard on him. Then, the Divine Revelation descended upon him: "And for those who launch a charge against their spouses, and have (in support of their claim) no witness but their own, their solitary witness (can be accepted) if they bear witness four times (with an oath) by Allah that they are of those who solemnly tell the Truth", thereupon the state of anguish and distress went away from the Messenger of Allah "Allah's blessing and peace be upon him" who said: "Rejoice, O Hilal! Indeed, Allah Almighty has relieved you (of that difficult situation in which you are)." Hilal said: "No doubt, I expected that from my Lord." The Messenger of Allah "Allah's blessing and peace be upon him" ordered his companions to go and bring her to him, and when she came, the Messenger of Allah "Allah's blessing and peace be upon him" recited the Holy Verse unto them, and reminded them of the fact that the punishment of the hereafter is, by all means, much more severe than that of the world." Hilal said: "By Allah, O Messenger of Allah! I've told the truth in her case." She said: "He has told a lie." On that the Messenger of Allah "Allah's blessing and peace be upon him" said: "Let them take part in invoking Allah's Curse upon the liar of them!" Hilal was told to bear witness, and he bore witness (with oath) by Allah four times that he had told the truth in his charge against her. When it was the time of the fifth witness, it was said to him: "O Hilal! Fear Allah, for indeed, the punishment of the world is lighter and easier than that of the hereafter, and this (fifth witness) is the one which makes punishment (of the hereafter) binding upon you." He said: "By Allah, He will not punish me for it, as well as He did not cause me to be flogged for it." He then witnessed (with an oath) by Allah that Allah's Curse be upon him if he had told a lie (against his wife). Then, she was ordered to bear witness (with oath) by Allah four times that he had told a lie (in his charge against her), and when it was the time for her to give the fifth witness, it was said to her: "Fear Allah, for indeed, the punishment of the world is, by all means, lighter and easier than that of the hereafter, and this (fifth witness) is the one which makes the punishment (of the hereafter) binding upon you." She

رَجُلاً، فَرَأَى بِعَيْنِهِ وَسَمِعَ بِأُذُنِهِ فَلَمْ يُهِجْهُ حَتَّى أَصْبَحَ، ثُمَّ غَدَا عَلَى رَسُولِ اللَّهِ ﷺ، فَقال يا رَسُولَ اللَّهِ إِنِّي جِئْتُ أَهْلِي عِشَاءٍ، فَوَجَدْتُ عِنْدَهُمْ رَجُلاً، فَرَأَيْتُ بِعَيْنِي وَسَمِعْتُ بِأُذُنِي، فَكَرِهَ رَسُولُ اللَّهِ ﷺ مَا جَاءَ بِهِ وَاشْتَدَّ عَلَيْهِ، فَنَزَلَتْ: ﴿وَٱلَّذِينَ يَرْمُونَ أَزْوَٰجَهُمْ وَلَمْ يَكُن لَّهُمْ شُهَدَآءُ إِلَّآ أَنفُسُهُمْ فَشَهَٰدَةُ أَحَدِهِمْ﴾ [النور: 6] الآيَتَيْنِ كِلْتَيْهِمَا، فَسُرِّيَ عَنْ رَسُولِ اللَّهِ ﷺ فَقالَ: «**أَبْشِرْ يَا هِلاَلُ قَدْ جَعَلَ اللَّهُ عز وجل لَكَ فَرَجًا وَمَخْرَجًا**». قالَ هِلاَلٌ: قَدْ كُنْتُ أَرْجُو ذَلِكَ مِنْ رَبِّي، فَقالَ رَسُولُ اللَّهِ ﷺ: «**أَرْسِلُوا إِلَيْهَا**»، فَجَاءَتْ فَتَلاَ عَلَيْهِمَا رَسُولُ اللَّهِ ﷺ وَذَكَّرَهُما، وَأَخْبَرَهُمَا أَنَّ عَذَابَ الآخِرَةِ أَشَدُّ مِنْ عَذَابِ الدُّنْيَا. فَقالَ هِلاَلٌ: وَاللَّهِ لَقَدْ صَدَقْتُ عَلَيْهَا، فَقالَتْ: قَدْ كَذَبَ، فَقالَ رَسُولُ اللَّهِ ﷺ: «**لاعِنُوا بَيْنَهُمَا**»، فَقِيلَ لِهِلاَلٍ: اشْهَدْ، فَشَهِدَ أَرْبَعَ شَهَادَاتٍ بِاللَّهِ إِنَّهُ لَمِنَ الصَّادِقِينَ، فَلَمَّا كَانَتِ الْخَامِسَةُ قِيلَ لَهُ: يَا هِلاَلُ اتَّقِ اللَّهَ فَإِنَّ عَذَابَ الدُّنْيَا أَهْوَنُ مِنْ عَذَابِ الآخِرَةِ، وَإِنَّ هَذِهِ الْمُوجِبَةَ الَّتِي تُوجِبُ عَلَيْكَ الْعَذَابَ، فَقالَ: واللَّهِ لاَ يُعَذِّبُنِي اللَّهُ عَلَيْهَا كما لَمْ يُجَلِّدْنِي عَلَيْهَا، فَشَهِدَ الْخَامِسَةَ أَنَّ لَعْنَةَ اللَّهِ عَلَيْهِ إِنْ كَانَ مِنَ الْكَاذِبِينَ، ثُمَّ قِيلَ لَهَا: اشْهَدِي فَشَهِدَتْ أَرْبَعَ شَهَادَاتٍ بِاللَّهِ إِنَّهُ لَمِنَ الْكَاذِبِينَ، فَلَمَّا كَانَتِ الْخَامِسَةُ قِيلَ لَهَا: اتَّقِي اللَّهَ فَإِنَّ عَذَابَ الدُّنْيَا أَهْوَنُ مِنْ عَذَابِ الآخِرَةِ، وَإِنَّ هَذِهِ الْمُوجِبَةَ الَّتِي تُوجِبُ عَلَيْكِ الْعَذَابَ، فَتَلَكَّأَتْ سَاعَةً، ثُمَّ قالَتْ: وَاللَّهِ لاَ أَفْضَحُ قَوْمِي فَشَهِدَتِ الْخَامِسَةَ أَنَّ غَضَبَ اللَّهِ عَلَيْهَا إِنْ كَانَ مِنَ الصَّادِقِينَ. فَفَرَّقَ رَسُولُ اللَّهِ ﷺ بَيْنَهُمَا، وَقَضَى أَنْ لاَ يُدْعَى وَلَدُهَا لأَبٍ، وَلاَ تُرْمَى وَلاَ يُرْمَى وَلَدُهَا، وَمَنْ رَمَاهَا أَوْ رَمَى وَلَدَهَا فَعَلَيْهِ الْحَدُّ. وَقَضَى أَنْ لاَ بَيْتَ لَهَا عَلَيْهِ وَلاَ

hesitated for a while after which she said (to herself): "By Allah! I should not put my people to shame!" she then testified by Allah that Allah's wrath be upon her if he had told the truth. On that, the Messenger of Allah “Allah’s blessing and peace be upon him” parted them, and ordered that her child should not be called by a certain father, nor should any charge be launched against him, and if anyone charges her or her child (of adultery), he would receive the legal punishment (of the false charge). He also judged that no residence nor sustenance for her or her child were incumbent upon her husband, for they were parted with no divorce, nor because of his death. Then, the Messenger of Allah “Allah’s blessing and peace be upon him” said: "Watch her: if she delivered a child of white complexion and lean shins, then, he belongs to Hilal, and if she delivered a child of brown complexion, curly hair, big hips and fat shins, then, he belongs to him in whose connection she was charged of adultery." She then delivered a child of black eyes, curly hair, big hips and fat shins, thereupon the Messenger of Allah “Allah’s blessing and peace be upon him” said: "Had this (matter) not been settled (by Allah), surely, I would have punished her severely." Ikrimah says that later, he was appointed as the governor of Egypt, and he was called by his mother and not by a certain father.

2257- It is narrated on the authority of Ibn Umar that he said: The Messenger of Allah “Allah’s blessing and peace be upon him” said to the invokers of Allah's curse upon the liar of them: “Your reckoning is with Allah. One of you two is a liar, and you (the husband) have no right over her (in case of being divorced)." The man said: “O Messenger of Allah! What about my property (Dowry)?” The Prophet "Allah's blessing and peace be upon him" said: “You have no right to get back your property. If you told the truth about her then your property would be for the legal right therewith you had sexual intercourse with her; and if you told a lie about her, then it would be more inaccessible for you."

2258- It is narrated on the authority of Sa’id Ibn Jubair that he said: I said to Ibn Umar: “What about a man who launched a charge against his wife (of committing fornication)?” he said: “The Messenger of Allah “Allah’s blessing and peace be upon him” separated (by divorce) the couple of Banu Ajlan, and said: “Allah knows that one of you two is a liar; so will one of you repent?” he said it thrice, but none of them accepted (to change his mind).” So, he parted them.

2259- It is narrated on the authority of Ibn Umar that a man was engaged with his wife in invoking Allah’s Curse upon the liar of both

قُوتَ مِنْ أَجْلِ أَنَّهُمَا يَتفَرَّقَانِ مِنْ غَيْرِ طَلاَقٍ وَلاَ مُتَوَفًّى عَنْهَا، وَقالَ: «**إِنْ جَاءَتْ بِهِ أُصَيْهِبَ أُرَيْصِحَ أُثَيْبِجَ حَمْشَ السَّاقَيْنِ فَهُوَ لِهِلاَلٍ، وَإِنْ جَاءَتْ بِهِ أَوْرَقَ جَعْدًا جُمَالِيًّا خَدَلَّجَ السَّاقَيْنِ سَابغَ الأَلْيَتَيْنِ فَهُوَ لِلَّذِي رُمِيَتْ بِهِ**» فَجَاءَتْ بِهِ أَوْرَقَ جَعْدًا جُمَالِيًّا خَدَلَّجَ السَّاقَيْنِ سَابغَ الأَلْيَتَيْنِ، فقال رَسُولُ اللَّهِ ﷺ: «**لَوْلاَ الأَيمَانُ لَكَانَ لِي وَلَها شَأْنٌ**».

قال عِكْرِمَةُ: فَكَانَ بَعْدَ ذَلِكَ أَمِيرًا عَلَى مِصْرَ وَمَا يُدْعَى لأَبٍ.

2257 ـ حدّثنا أَحْمَدُ بنُ حَنْبَلٍ: حدَّثنا سُفْيَانُ بنُ عُيَيْنَةَ قال: سَمِعَ عَمْرٌو سَعِيدَ بنَ جُبَيْرٍ يقُولُ: سَمِعْتُ ابنَ عُمَرَ يقُولُ: قال رَسُولُ اللَّهِ ﷺ لِلْمُتَلاَعِنَيْنِ: «**حِسَابُكُمَا عَلَى اللَّهِ أَحَدُكُما كاذِبٌ لا سَبيلَ لك عليها**»، قال: يا رسولَ اللَّهِ مالي، قال: «**لا مالَ لك إنْ كُنْتَ صَدَقْتَ عَلَيْهَا فَهُوَ بِمَا اسْتَحْلَلْتَ مِنْ فَرْجِهَا، وَإِنْ كُنْتَ كَذَبْتَ عَلَيْهَا فَذَلِكَ أَبْعَدُ لَكَ**».

2258 ـ حدّثنا أَحْمَدُ بنُ مُحَمَّدِ بنِ حَنْبَلٍ: حدَّثنا إِسْمَاعِيلُ: حدَّثنا أَيُّوبُ، عن سَعِيدِ بنِ جُبَيْرٍ قال: قُلْتُ لابنِ عُمَرَ: رَجُلٌ قَذَفَ امْرَأَتَهُ؟ قال: فَرَّقَ رَسُولُ اللَّهِ ﷺ بَيْنَ أَخَوَيْ بَنِي الْعَجْلاَنِ وَقال: «**اللَّهُ يَعْلَمُ أَنَّ أَحَدَكُمَا كَاذِبٌ فَهَلْ مِنْكُمَا تَائِبٌ**»، يُرَدِّدُهَا ثَلاَثَ مَرَّاتٍ فأَبَيَا، فَفَرَّقَ بَيْنَهُمَا.

2259 ـ حدّثنا الْقَعْنَبِيُّ، عن مَالِكٍ، عن نَافِعٍ، عن ابنِ عُمَرَ: «أَنَّ رَجلاً لاَعَنَ امْرَأَتَهُ في زَمَانِ رَسُولِ اللَّهِ ﷺ وَانْتَفَى مِنْ وَلَدِهَا فَفَرَّقَ رَسُولُ اللَّهِ ﷺ بَيْنَهُمَا وَأَلْحقَ الْوَلَدَ بالمَرْأَةِ».

(when he launched a charge against her of committing adultery), and he denied the would-be child's ancestry and his ascription to him, thereupon the Messenger of Allah "Allah's blessing and peace be upon him" parted them, and joined the child to the woman.

Abu Dawud says: The statement "and joined the child to the woman" is unique to Malik. Yunus related from Az-Zuhri from Sahl Ibn Sa'd in the story of Li'an: He denied her pregnancy, thereupon her child came to be ascribed to her.

[28] When One Has Doubt In (The Ascription Of) His Child

2260- It is narrated on the authority of Abu Hurairah: Once, a man from (the tribe of) Banu Fazarah came to The Messenger of Allah "Allah's blessing and peace be upon him" and said: "My wife has delivered a black child." The Prophet "Allah's blessing and peace be upon him" said: "Do you have (a herd of) camels?" he said: "Yes." He (The Prophet) asked: "What is their colour?" he said: "They are red." He said: "Is there any dusky one among them?" He said: "Yes, there are many dusky ones among them." He said: "How has that come?" He said: "Perhaps, it is due to a certain (characteristics of) heredity to which it was attracted." He (The Prophet) said: "Perhaps, this (black complexion of your child) is due to a certain (characteristics of) heredity to which he was attracted."

2261- The same is narrated on the authority of Az-Zuhri through the same chain of transmitters, with the addition here that he (the man) referred by that statement to his intention to deny the (ascription of the) child (to him).

2262- It is narrated on the authority of Abu Hurairah that a desert dweller came to the Messenger of Allah "Allah's blessing and peace be upon him" and said: "My wife has delivered a black child whose ascription I deny…"and the rest is the same.

[29] The Severe Warning Of Denying The Ascription Of One's Child To Him

2263- It is narrated on the authority of Abu Hurairah that he heard the Messenger of Allah "Allah's blessing and peace be upon him" having said: "Any woman who ascribes to a people such (a child) as does not belong to them Allah will never turn to her (in mercy), nor will Allah admit her to His Garden; and any man who denies his child while looking at him, Allah will be screened from him (on the Day of Judgement), and further will put him to shame at the sight of the foremost and last generations."

قال أَبُو دَاوُدَ: الَّذِي تَفَرَّدَ بِهِ مَالِكٌ قَوْلُهُ: «وَأَلْحَقَ الْوَلَدَ بالمَرْأَةِ».

وَقال يُونُسُ عن الزُّهْرِيِّ، عن سَهْلِ بنِ سَعْدٍ في حَدِيثِ اللِّعَانِ: «وَأَنْكَرَ حَمْلَهَا فَكَانَ ابْنُهَا يُدْعَى إِلَيْهَا».

[ت28/م27، 28] ـ باب إذا شَكَّ في الولد

2260 ـ حدّثنا ابنُ أبي خَلَفٍ: حدَّثنا سُفْيَانُ، عن الزُّهْرِيِّ، عن سَعِيدٍ، عن أَبي هُرَيْرَةَ قال: جَاءَ رَجُلٌ إلى النَّبيِّ ﷺ مِنْ بَنِي فَزَارَةَ فقال: إنَّ امْرَأتي جَاءَتْ بِوَلَدٍ أسْوَدَ، فقال: «**هَلْ لَكَ مِنْ إبِلٍ؟**» قالَ: نَعَمْ، قالَ: «**مَا أَلْوانُهَا؟**» قالَ: حُمْرٌ، قالَ: «**فَهَلْ فِيهَا مِنْ أوْرَقَ؟**» قال: إنَّ فِيهَا لَوُرْقًا، قال: «**فَأَنَّى تُرَاهُ؟**» قال: عَسَى أَنْ يَكُونَ نَزَعَهُ عِرْقٌ قال: «**وَهذَا عَسَى أَنْ يَكُونَ نَزعَهُ عِرْق**».

2261 ـ حدّثنا الْحَسَنُ بنُ عَلِيٍّ: حدَّثنا عَبْدُ الرَّزَّاقِ: أخبرنا مَعْمرٌ، عن الزُّهْرِيِّ، بإسْنَادِهِ وَمَعْنَاهُ، قال: «وَهوَ حِينَئِذٍ يُعَرِّضُ بأنْ يَنْفِيَهُ».

2262 ـ حدّثنا أَحْمَدُ بنُ صَالحٍ: حدَّثنا ابنُ وَهْبٍ: أخبرنا يُونُسُ، عن ابنِ شِهَابٍ، عن أبي سَلَمَةَ، عن أَبي هُرَيْرَةَ: «أنَّ أعْرَابِيًّا أَتَى النَّبيَّ ﷺ، فقالَ: إنَّ امْرَأتي وَلَدَتْ غُلامًا أَسْوَدَ وَإنِّي أُنْكِرُهُ»، فَذَكَرَ مَعْنَاهُ.

[ت29/م28، 29] ـ باب التغليظ في الانتفاء

2263 ـ حدّثنا أَحْمَدُ بنُ صَالحٍ: حدَّثنا ابنُ وَهْبٍ: أخبرني عَمْرٌو ـ يَعني ابنَ الْحَارِثِ ـ، عن ابنِ الْهادِ، عن عَبْدِ اللَّهِ بنِ يُونُسَ، عن سَعيدٍ المَقْبُرِيِّ، عن أَبي هُرَيْرَةَ، أَنَّهُ سَمِعَ رَسُولَ اللَّهِ ﷺ يقُولُ حِينَ نَزَلَتْ آيةُ المُتَلاَعِنَيْنِ: «**أَيُّما امْرَأَةٍ أدْخَلَتْ عَلَى قَوْمٍ مَنْ لَيْسَ مِنْهُمْ، فَلَيْسَتْ مِنَ اللَّهِ في شَيْءٍ وَلَنْ يُدْخِلَهَا اللَّهُ جَنَّتَهُ، وَأَيُّمَا رَجُلٍ جَحَدَ وَلَدَهُ وَهُوَ يَنْظُرُ إِلَيْهِ احْتَجَبَ اللَّهُ مِنْهُ وَفَضَحَهُ عَلَى رُؤُوسِ الأوَّلِينَ وَالآخِرِينَ**».

[30] The Claim Over The Child Of Illegal Sexual Intercourse

2264- It is narrated on the authority of Ibn Abbas that the Messenger of Allah "Allah's blessing and peace be upon him" said: "There is no (acceptance of children resulting from) adultery in Islam: whoever (was born from such an) adultery during the pre-Islamic period of ignorance had joined to his relatives from the side of his father; and whoever has a claim over a child born from an illegal sexual relation, such (a claimed child) should not inherit anything from him, nor should he be inherited by him (the claimant)."

2265- It is narrated on the authority of Amr Ibn Shu'aib from his father from his grandfather that he said: The Messenger of Allah "Allah's blessing and peace be upon him" judged that "Everyone over whom the heirs have claim after the death of his father to whom he belongs should adhere to such (of the heirs) as has claim over him. Whoever is begotten from a slave-girl who was in his (the father's) possession when he had sexual relation with her, the child then would be joined to such as has claim over him, and he has no portion of the heritage that was distributed earlier (before his being claimed); and he should have portion from whatever heritage he caught up with which has not yet been distributed; but if his father to whom he belongs denies him, he should not be joined (to such of heirs as has claim over him); and in case he (the child) is born from a slave-girl who was not in his (the father's) possession when he had sexual relation with her, or from a free woman with whom he (the father) committed adultery, he should not be joined, nor should he (inherit nor) be inherited; and if he, to whom he belongs, has claim over him, he should be regarded as illegal child, who should belong to the family of his mother, be she free or slave-girl."

2266- The same is narrated on the authority of Muhammad Ibn Rashid, through the same chain of transmitters, in which he made the following addition: "In this case, he should be considered as an illegal child, and would be joined to the family of his mother, be she a free woman or a slave-girl. This refers to such as over whom there was claim during the early days of Islam; and whatever property was distributed before Islam has gone away.

[31] The Tracers Of Ancestry

2267- It is narrated on the authority of A'ishah that she said: One day, The Messenger of Allah "Allah's blessing and peace be upon him" entered upon me as pleased (or with the traces of happiness visible on his face

[ت30/م29 ، 30] ـ باب في ادّعاء ولد الزنا

2264 ـ حدّثنا يَعْقُوبُ بنُ إِبراهِيمَ: حدَّثنا مُعْتَمِرٌ، عن سَلْمٍ ـ يَعْني ابنَ أبي الذيال ـ قال: حدثني بَعْضُ أصْحَابِنَا عن سَعِيدِ بنِ جُبَيْرٍ، عن ابن عَبَّاسٍ أنَّهُ قال: قال رَسُولُ اللَّهِ ﷺ: «**لاَ مُسَاعَاةَ في الإِسْلاَمِ مَنْ سَاعَى في الْجَاهِلِيَّةِ فَقَدْ لَحِقَ بِعصَبَتِهِ، وَمَنِ ادَّعَى وَلَدًا مِنْ غَيْرِ رِشْدَةٍ فَلاَ يَرِثُ وَلاَ يُورَثُ**».

2265 ـ حدّثنا شَيْبَانُ بنُ فَرُّوخٍ: حدَّثنا مُحَمَّدُ بنُ رَاشِدٍ. (ح)، وَحدثنا الْحَسَنُ بنُ عَلِيٍّ: حدَّثنا يَزِيدُ بنُ هَارُونَ: أخبرنا مُحَمَّدُ بنُ رَاشِدٍ وَهُوَ أَشْبَعُ، عنْ سُلَيْمَانَ بنِ مُوسَى، عنْ عَمْرِو بنِ شُعَيْبٍ، عن أَبِيهِ، عنْ جَدِّهِ، قالَ: «إِنَّ النَّبِيَّ ﷺ قَضَى أَنَّ كلَّ مُسْتَلْحَقٍ اسْتُلْحِقَ بَعْدَ أَبِيهِ الَّذِي يُدْعَى لَهُ ادَّعَاهُ وَرَثَتُهُ، فَقَضَى أَنَّ كلَّ مَنْ كَانَ مِنْ أَمَةٍ يَمْلِكُهَا يَوْمَ أَصَابَهَا فَقَدْ لَحِقَ بِمَنِ اسْتَلْحَقَهُ، وَلَيْسَ لَهُ مِمَّا قُسِمَ قَبْلَهُ مِنَ المِيرَاثِ شَيْءٌ، وَمَا أَدْرَكَ مِنْ مِيرَاثٍ لَمْ يُقْسَمْ فَلَهُ نَصِيبُهُ، وَلاَ يُلْحَقُ إِذَا كَانَ أَبُوهُ الَّذِي يُدْعَى لَهُ أَنْكَرَهُ، وَإِنْ كَانَ مِنْ أَمَةٍ لَمْ يَمْلِكْهَا أَوْ مِنْ حُرَّةٍ عَاهَرَ بِهَا فَإِنَّهُ لاَ يَلْحَقُ بِهِ وَلاَ يَرِثُ، وَإِنْ كَانَ الَّذِي يُدْعَى لَهُ هُوَ ادَّعَاهُ فَهُوَ وَلَدُ زِنْيَةٍ مِنْ حُرَّةٍ كَانَ أَوْ أَمَةٍ».

2266 ـ حدّثنا مَحْمُودُ بنُ خالِدٍ: حدَّثنا أبي، عنْ مَحَمَّدِ بن رَاشِدٍ بإِسْنَادِهِ وَمَعْنَاهُ. زادَ: «وَهُوَ وَلَدُ زِنَا لأَهْلِ أُمِّهِ مَنْ كَانُوا حُرَّةً أَوْ أَمَةً، وَذَلِكَ فِيمَا اسْتُلْحِقَ في أَوَّلِ الإِسْلاَمِ فَمَا اقْتُسِمَ مِنْ مَالٍ قَبْلَ الإِسْلاَمِ فَقَدْ مَضَى».

[ت31/م30، 31] ـ باب في القَافَة

2267 ـ حدّثنا مُسَدَّدٌ وَعُثْمَانُ بنُ أبي شَيْبَةَ، المعنى، وَابنُ السَّرحِ قالُوا: حدَّثنا سُفْيَانُ، عن الزُّهْرِيِّ، عنْ عُرْوَةَ، عنْ عَائِشَةَ قالَتْ: دَخَلَ عَلَيَّ رَسُولُ اللَّهِ ﷺ ـ قالَ مُسَدَّدٌ وَابْنُ السَّرحِ ـ يَوْمًا مَسْرُورًا؛ وَقالَ عُثْمَانُ:

according to another narration) and said: "O A'ishah! Did you not know that Mujazzaz Al-Mudliji visited me, and saw both Zaid and Usamah who were lying, with a rug covering their heads, while their feet were naked, then he said: "Their feet are related to one another (as being for a father and his son)"?"

Abu Dawud says: Zaid (Ibn Harithah Usamah's father) was of white complexion, and Usamah was of black complexion.

2268- The same is narrated on the authority of Ibn Shihab through the same chain of transmission, in which she said: "He entered upon me happily, with his features glittering because of joy..."

Abu Dawud says: I heard Ahmad Ibn Salih having said: Usamah was of very black complexion, as black as the pitch, while Zaid was of white complexion, as white as the cotton.

[32] What About Drawing Lots In Case There Is A Dispute Over The Ascription Of A Child?

2269- It is narrated on the authority of Zaid Ibn Arqam that he said: I was sitting with the Messenger of Allah "Allah's blessing and peace be upon him" when a man came to him from Yemen and said: Three men from amongst the inhabitants of Yemen came to Ali Ibn Abu Talib, with a dispute over a child, and they had sexual relation with the same woman during (the period of) her cleanness (before she got the coming menses). He asked two of them: "Do you affirm the child to this man?" they answered in the negative. He asked other two: "Do you affirm the child to this man?" they answered in the negative. He then said: "No doubt, you are obstinate foes! I'm going to draw lots among you, and join the child to such as on whom the lot would fall, and make two-thirds the price (of the slave-girl) due upon him (since she would be transferred to him on account of that judgement)." He drew lots among them, and joined the child to such as upon whom the lot fell. On that the Messenger of Allah "Allah's blessing and peace be upon him" laughed until his premolar teeth became visible.

2270- It is narrated on the authority of Zaid Ibn Arqam that while Ali Ibn Abu Talib was in Yemen, three men were brought to him, and they had sexual relation with the same woman during (the period of) her cleanness (before she got the coming menses). He asked two of them: "Do you affirm the child to this man?" they answered in the negative. He asked other two: "Do you affirm the child to this man?" they answered in the negative. Every time he asked two of them whether they should affirm the child to the third, they would answer in the negative, thereupon he drew lots among

تُعْرَفُ أَسَارِيرُ وَجْهِهِ، فَقالَ: «**أَيْ عَائِشَةَ أَلَمْ تَرَيْ أَنَّ مُجَزِّزًا الْمُدْلِجِيَّ رَأَى زَيْدًا وَأُسَامَةَ قَدْ غَطَّيا رُؤُوسَهُمَا بِقَطِيفَةٍ وَبَدَتْ أَقْدَامُهُما فَقالَ: إِنَّ هَذِهِ الأَقْدَامَ بَعْضُهَا مِنْ بَعْضٍ؟**».

قال أَبُو دَاوُدَ: كانَ أُسَامَةُ أَسْوَدَ وَكَانَ زَيْدٌ أَبْيَضَ.

2268 ـ حدّثنا قُتَيْبَةُ: حدثنا اللَّيْثُ، عن ابنِ شِهَابٍ بِإِسْنَادِهِ وَمَعْنَاهُ، قال: قالَتْ: «دَخَلَ عَلَيَّ مَسْرُورًا تَبْرُقُ أَسَارِيرُ وَجْهِهِ».

قال أَبُو دَاوُدَ: وَأَسَارِيرُ وَجْهِهِ لَمْ يَحْفَظْهُ ابنُ عُيَيْنَةَ.

قال أَبُو دَاوُدَ: أَسارِيرُ وَجْهِهِ هُوَ تَدْلِيسٌ مِنِ ابنِ عُيَيْنَةَ لَمْ يَسْمَعْهُ مِنَ الزُّهْرِيِّ إِنَّمَا سَمِعَ الأَسَارِيرَ مِنْ غَيْرِ الزُّهْرِيِّ، قال: وَالأَسَارِيرُ في حَديثِ اللَّيْثِ وَغَيْرِهِ.

قال أَبُو دَاوُدَ: وَسَمِعْتُ أَحْمَدَ بنَ صَالِحٍ يَقُولُ: كَانَ أُسَامَةُ شَدِيدَ السَّوَادِ مِثْلَ الْقَارِ وَكَانَ زَيْدٌ أَبْيَضَ مِثْلَ الْقُطْنِ.

[ت32/م31 ، 32] ـ باب من قال بالقُرعة إذا تَنازعوا في الولد

2269 ـ حدّثنا مُسَدَّدٌ: حدَّثنا يَحْيَى، عن الأَجْلَحِ، عن الشَّعْبِيِّ، عن عَبْدِ اللَّهِ بنِ الْخَلِيلِ، عن زَيْدِ بنِ أَرْقَمَ قالَ: «كُنْتُ جالِسًا عِنْدَ النَّبيِّ ﷺ فَجاءَ رَجُلٌ مِنَ الْيَمَنِ: فَقالَ إِنَّ ثَلاثَةَ نَفَرٍ مِنْ أَهْلِ الْيَمَنِ أَتَوْا عَلِيًّا يَخْتَصِمُون إِلَيْهِ في وَلَدٍ، وَقَدْ وَقَعُوا عَلَى امْرَأَةٍ في طُهْرٍ وَاحِدٍ، فَقالَ لاِثْنَيْنِ منهما: طِيبا بالْوَلَدِ لِهَذَا فَغَلَيا ثُمَّ قالَ لاِثْنَيْنِ: طِيبا بالْوَلَدِ لِهَذَا فَغَلَيَا، ثُمَّ قالَ لاِثْنَيْنِ: طِيبا بالْوَلَدِ لِهَذَا فَغَلَيا فَقالَ: أَنْتُمْ شُرَكَاءُ مُتَشَاكِسُونَ إِنِّي مُقْرِعٌ بَيْنَكُمْ، فَمَنْ قَرَعَ فَلَهُ الْوَلَدُ، وَعَلَيْهِ لِصَاحِبَيْهِ ثُلُثا الدِّيَةِ، فَأَقْرَعَ بَيْنَهُمْ، فَجَعَلَهُ لِمَنْ قَرِعَ، فَضَحِكَ رَسُولُ اللَّهِ ﷺ حَتَّى بَدَتْ أَضْرَاسُهُ أَوْ نَوَاجِذُهُ».

2270 ـ حدّثنا خُشَيْشُ بنُ أَصْرَمَ: حدَّثنا عَبْدُ الرَّزَّاقِ: أخبرنا الثَّوْرِيُّ، عن صَالِحٍ الهَمْدَانِيِّ، عن الشَّعْبِيِّ، عن عَبْدِ خَيْرٍ، عن زَيْدِ بنِ أَرْقَمَ قالَ: «أُتِيَ عَلِيٌّ رَضِيَ اللَّهُ عَنْهُ بِثَلاثَةٍ وَهُوَ بالْيَمَنِ وَقَعُوا عَلَى امْرَأَةٍ في طُهْرٍ وَاحِدٍ، فَسَأَلَ اثْنَيْنِ: أَتُقِرَّانِ لِهَذَا بالْوَلَدِ؟ قالاَ: لا، حَتَّى سَأَلَهُمْ جَمِيعًا، فَجَعَلَ كُلَّمَا سَأَلَ اثْنَيْنِ قالا:

them, and joined the child to such as on whom the lot fell, and made two-thirds the price (of the slave-girl) due upon him (since she moved to him on account of that judgement). When a mention of that was made to the Messenger of Allah "Allah's blessing and peace be upon him", he laughed until his premolar teeth became visible.

2271- It is narrated on the authority of Ash-Sha'bi from Al-Khalil or Ibn Al-Khalil that he said: A case was filed before Ali Ibn Abu Talib about a woman who gave birth to a child from three persons who had sexual relation with her (during the same month)...and the rest is the same, but no mention is made of Yemen, nor of the Messenger of Allah "Allah's blessing and peace be upon him", nor of the statement: "Do you affirm the child to this man?"

[33] The Types Of Marriage Practiced By The People Of The Pre-Islamic Period Of Ignorance

2272- It is narrated on the authority of A'ishah, the wife of the Messenger of Allah "Allah's blessing and peace be upon him", that she said: The marriage in the Pre-Islamic period of ignorance was of four types: The first was that which people know today. That is, the man would demand the hand of the woman from her guardian who would give her to him in marriage with the dower. The second was that the man used to say to his wife after her getting clean from menses: "Send to so-and-so (and let him have sexual intercourse with you, until you become pregnant). During this period, her real husband would not touch her. After her pregnancy became clear, then her husband would touch her if he wished. This type of marriage was made to serve the purpose for begetting children. The third type of marriage was that a group of men, less than ten, would go to the woman. All of them would have sexual relation with her, with the result that she would become pregnant. A few nights after she gave birth to her child, she would invite all of them; and none could be able to flee. When they gathered she would say to them: "You knew what you had done. This child is the son of you O so and so", calling whomever she wanted from amongst them to ascribe the child to him. Of course, he would accept and join the child to him. As for the fourth type, a lot of men used to enter into the woman and have sexual relations with her. Such women were known as the prostitutes, who used to fix banners at their gates as indications to them, so that such as had desire for any of them would recognize her. When that woman became pregnant and then gave birth to her child, she would invite all men who committed adultery with her, who would come, accompanied

لاَ، فَأَقْرَعَ بَيْنَهُمْ، فَأَلْحقَ الْوَلَدَ بالَّذِي صَارَتْ عَلَيْهِ الْقُرْعَةُ، وَجَعلَ عَلَيْهِ ثُلُثَيْ الدِّيَةِ. قال: فَذَكَرَ ذَلِكَ للنَّبيِّ ﷺ فَضَحِكَ حَتَّى بَدَتْ نَوَاجِذُهُ».

2271 ـ حدّثنا عُبَيْدُ اللَّهِ بنُ مُعَاذٍ: حدَّثنا أبي: حدَّثنا شُعبَةُ، عن سَلَمَةَ سَمِعَ الشَّعْبِيَّ، عن الْخَلِيلِ أوْ ابن الْخَلِيلِ قالَ: «أُتِيَ عَلِيُّ بنُ أبي طَالِبٍ رضي اللَّهُ عنه في امْرأَةٍ وَلَدَتْ مِنْ ثَلاَثَةٍ» نَحْوَهُ، لَمْ يَذْكُرِ الْيَمَنَ وَلاَ النَّبيَّ ﷺ وَلاَ قَوْلَهُ: طِيبا بالْوَلَدِ.

[ت33/م32 ، 33] ـ باب في وُجوه النِّكاح التي كان يتناكح بها أهل الجاهلية

2272 ـ حدّثنا أَحْمَدُ بنُ صَالِحٍ: حدَّثنا عَنْبَسَةُ بنُ خَالِدٍ: حَدَّثَني يُونُسُ بنُ يَزِيدَ قالَ: قال مُحَمَّدُ بنُ مُسْلِمِ بن شِهَابٍ: أخبرني عُرْوَةُ بنُ الزُّبَيْرِ: «أنَّ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا زَوجَ النَّبيِّ ﷺ أخبَرَتْهُ أَنَّ النِّكَاحَ كَانَ في الْجَاهِلِيَّةِ عَلَى أرْبَعَةِ أنْحَاءَ: فكان مِنْهَا نِكَاحُ النَّاسِ الْيَوْمَ، يَخْطُبُ الرَّجُلُ إلى الرَّجُلِ وَلِيَّتَهُ فَيصْدِقُهَا ثُمَّ يُنْكِحُهَا. وَنِكَاحٌ آخَرُ كَانَ الرَّجُلُ يَقُولُ لامْرَأَتِهِ إذَا طَهُرَتْ مِنْ طَمْثِهَا: أرْسِلِي إلى فُلاَنٍ فاسْتَبْضِعِي مِنْهُ وَيَعْتَزِلُهَا زَوْجُهَا وَلاَ يَمَسُّهَا أبَدًا حَتَّى يَتَبَيَّنَ حَمْلُهَا مِنْ ذَلِكَ الرَّجُلِ الَّذِي تَسْتَبْضِعُ مِنْهُ، فَإذَا تَبَيَّنَ حَمْلُهَا أصَابَهَا زَوْجُهَا إنْ أحَبَّ، وَإنَّمَا يَفْعَلُ ذَلِكَ رَغْبَةً في نَجَابَةِ الْوَلَدِ، فَكَانَ هَذَا النِّكَاحُ يُسَمَّى نِكَاحُ الاسْتِبْضَاعِ. وَنِكَاحٌ آخَرُ يَجْتَمِعُ الرَّهْطُ دُونَ الْعَشَرَةِ فَيَدْخُلُونَ عَلَى الْمَرْأَةِ كُلُّهُمْ يُصِيبُهَا، فَإذَا حَمَلَتْ وَوَضَعَتْ، وَمَرَّ لَيَالٍ بَعْدَ أَنْ تَضَعَ حَمْلَهَا أَرْسَلَتْ إلَيْهِمْ فَلَمْ يَسْتَطِعْ رَجُلٌ مِنْهُمْ أنْ يَمْتَنِعَ حَتَّى يَجْتَمِعُوا عِنْدَهَا فَتَقُولُ لَهُمْ: قَدْ عَرَفْتُمُ الَّذِي كَانَ مِنْ أمْرِكُمْ وَقَدْ وَلَدْتُ وَهُوَ ابْنُكَ يَا فُلاَنُ، فَتُسَمِّي مَنْ أحَبَّتْ مِنْهُمْ باسْمِهِ فَيَلْحَقُ بِهِ وَلَدُهَا. وَنِكَاحٌ رَابِعٌ يَجْتَمِعُ النَّاسُ الْكَثِيرُ فَيَدْخُلُونَ عَلَى الْمَرأَةِ لاَ تَمْتَنِعُ مِمَّنْ جَاءَهَا وَهُنَّ الْبَغَايَا كُنَّ يَنْصِبْنَ عَلَى أبْوَابِهِنَّ رَايَاتٌ تَكُنْ عَلَمًا لِمَنْ أرَادَهُنَّ دَخَلَ عَلَيْهِنَ، فَإذَا حَمَلَتْ فَوَضَعَتْ حَمْلَهَا جُمِعُوا لَهَا وَدَعَوْا لَهُمُ الْقَافَةُ ثُمَّ ألْحَقُوا وَلَدَها بالَّذِي يَرَوْنَ، فَالْتَاطَهُ

by those whose job was to follow the traces of the ancestry of children, by checking the similarity, shape, and colour, in order to attribute them to their fathers. When such child was known to have belonged to a certain man, he would be joined to him with no objection to that. When Muhammad "Allah's blessing and peace be upon him" was sent down, all types of marriage of The Pre-Islamic period of Ignorance were nullified except that, which the Muslims know and practice those days.

[34] The Child Should Be (Ascribed To The Owner Of) The Bed (On Which He Is Born)

2273- It is narrated on the authority of A'ishah that she said: Sa'd Ibn Abu Waqqas and Abd Ibn Zam'ah quarreled over a boy belonging to the slave-girl of Zam'ah. Sa'd said: "My brother Utbah (Ibn Abu Waqqas) entrusted to me to look for the child of the slave-girl of Zam'ah, once I would come to Mecca and take him as he is his (illegal) son." Abd Ibn Zam'ah said: "O Allah's Apostle! This is my brother and was born on my father's bed from his slave-girl." The Messenger of Allah "Allah's blessing and peace be upon him" cast a look at the boy and found definite resemblance to Utbah and then said: "The boy is for you, O Abd Ibn Zam'ah. The child goes to the (owner of the) bed (on which he is born) and the adulterer gets nothing but the stones (despair, i.e. to be stoned to death). O Sawdah Bint Zam'ah! Screen yourself from this boy." Musaddad added in his narration that he said to Abd Ibn Zam'ah: "He is your brother O Abd."

2274- It is narrated on the authority of Amr Ibn Shu'aib from his father from his grandfather that a man stood and said: "O Messenger of Allah! So and so is my son, with whose mother I had illegal sexual relation in the pre-Islamic period of ignorance." The Messenger of Allah "Allah's blessing and peace be upon him" said: "There is no claim (over an illegal child) in Islam. The matter of ignorance had gone away. The child goes to the (owner of the) bed (on which he is born) and the adulterer gets nothing but the stones (despair, i.e. to be stoned to death)."

2275- It is narrated on the authority of Al-Hasan Ibn Sa'd, the freed slave of Al-Hasan Ibn Ali Ibn Abu Talib that Rabah said: My family married me to a Roman slave-girl belonging to them, and I had sexual relation with her, and she delivered a child as black as me, whom I named Abdullah. Then, I had sexual relation with her once again, and she delivered a child, as black as me, whom I named Ubaidullah. Then, a Roman slave belonging to my family called Yuhanna saw her, and spoke to

وَدُعِيَ ابْنَهُ لاَ يَمْتَنِعُ مِنْ ذَلِكَ. فَلَمَّا بَعَثَ اللَّهُ مُحَمَّدًا ﷺ هَدَمَ نِكَاحَ أَهْلِ الْجَاهِلِيَّةِ كُلَّهُ إِلاَّ نِكَاحَ أَهْلِ الإِسْلاَمِ الْيَوْمَ».

[ت34/م33 ، 34] ـ بابٌ «الوَلَدُ للفِرَاش»

2273 ـ حدّثنا سَعِيدُ بنُ مَنْصُورٍ وَمُسَدَّدٌ قالاَ: حدَّثنا سُفْيَانُ، عن الزُّهْرِيِّ، عن عُرْوَةَ، عن عَائِشَةَ قالت: اخْتَصَمَ سَعْدُ بنُ أبي وَقَّاصٍ وَعَبْدُ بن زَمْعَةَ إلى رَسُولِ اللَّهِ ﷺ في ابْنِ أَمَةِ زَمْعَةَ، فقال سَعْدٌ: أَوْصَانِي أخِي عُتْبَةُ إذَا قَدِمْتُ مَكَّةَ أنِ انْظُرْ إلى ابْنِ أمَةِ زَمْعَةَ فَاقْبِضْهُ فَإِنَّهُ ابْنُهُ وَقالَ عَبْدُ بنُ زَمْعَةَ: أخِي ابن أمَةِ أبي، وُلِدَ عَلَى فِرَاشِ أبِي، فَرَأَى رَسُولُ اللَّهِ ﷺ شَبَهًا بَيِّنًا بِعُتْبَةَ، فقالَ: «**الْوَلَدُ لِلْفِرَاشِ وَلِلْعَاهِرِ الْحَجَرُ، وَاحْتَجِبِي مِنْهُ يَا سَوْدَةُ**».

زادَ مُسَدَّدٌ في حَدِيثِهِ وقَالَ: «**هُوَ أخُوكَ يَا عَبْدُ**».

2274 ـ حدّثنا زُهَيْرُ بنُ حَرْبٍ: حدَّثنا يَزِيدُ بنُ هَارُونَ: أخبرنا حُسَيْنٌ المُعَلِّمُ، عنْ عَمْرِو بن شُعَيْبٍ، عنْ أبِيهِ، عنْ جَدِّهِ، قال: قامَ رَجُلٌ فقالَ: يَا رَسُولَ اللَّهِ إنَّ فُلانًا ابْنِي عَاهَرْتُ بِأُمِّهِ في الْجَاهِلِيَّةِ. فقال رَسُولُ اللَّهِ ﷺ: «**لا دَعْوَةَ في الإِسْلاَمِ، ذَهَبَ أَمْرُ الْجَاهِلِيَّةِ، الْوَلَدُ لِلْفِرَاشِ وَلِلْعَاهِرِ الْحَجَرُ**».

2275 ـ حدّثنا مُوسَى بنُ إسْمَاعِيلَ: حدَّثنا مَهْدِيُّ بنُ مَيْمُونٍ أبُو يَحْيَى: حدَّثنا مُحَمَّدُ بنُ عَبْدِ اللَّهِ بن أبي يَعْقُوبَ، عن الْحَسَنِ بنِ سَعْدٍ مَوْلَى الْحَسَنِ بن عَلِيِّ بن أبي طَالِبٍ رضي اللَّهِ عنه عنْ رَبَاحٍ قال «زَوَّجَنِي أهْلِي أَمَةً لَهُمْ رُومِيَّةً، فَوَقَعْتُ عَلَيها، فَوَلَدَتْ غلاماً، أسْوَدَ مِثْلِي فَسَمْيتُهُ عَبْدَ اللَّهِ. ثم وَقَعْتُ عَلَيها فَوَلَدَتْ غُلاَمًا أسْوَدَ مِثْلِي فَسَمَّيْتُهُ عُبَيْدَ اللَّهِ، ثُمَّ طَبَنَ لَها غُلاَمٌ لأَهْلِي رومِيٌّ، يُقالُ لَهُ: يُوحَنَّه، فَرَاطَنَها بِلِسَانِهِ فَوَلَدَتْ غُلاَمًا كَأَنَّهُ

her with his tongue (and he had illegal sexual relation with her), which resulted in her delivering a child (as ugly) as if he was a salamander. I asked her: "What is that?" she said: "This (child) belongs to Yuhanna." The case was filed before Uthman, who asked them, and they confessed (of the crime of adultery). He said to them: "Do you like that I should judge among you with the same judgement of the Messenger of Allah "Allah's blessing and peace be upon him"? No doubt, the Messenger of Allah "Allah's blessing and peace be upon him" judged that The child should go to the (owner of the) bed (on which he is born and the adulterer gets nothing but the stones)." Both were lashed, and they were slaves.

[35] Who Has More Claim Over The Child

2276- It is narrated on the authority of Amr Ibn Shu'aib from his father from his grandfather Abdullah Ibn Amr that a woman said to the Messenger of Allah "Allah's blessing and peace be upon him": "O Messenger of Allah! This is my child: my belly was as a container for him, my breast as provider of milk for him, and my lap as a holder for him; and his father divorced me, and he wants to take him from me." On that the Messenger of Allah "Allah's blessing and peace be upon him" said: "You have more claim over him as long as you do not get married."

2277- It is narrated on the authority of Abu Maimunah Sulma, one of the freed slaves who were living in Medina, and he was a man of truth, that he said: While I was sitting with Abu Hurairah, a Persian woman came to him, carrying a child belonging to her, and her husband had divorced her. She said: "O Abu Hurairah! (and she talked to him with Persian) My husband (who has divorced me) intends to take my son." Abu Hurairah said to her: "Cast lots over him." He talked to her with Persian. Her husband came and said: "Who could dare to dispute with me over my right to get my child?" Abu Hurairah said: "O Allah! I do not say so except for the fact that I heard a woman who came to the Messenger of Allah "Allah's blessing and peace be upon him" while I was sitting with him, having said: "O Messenger of Allah! My husband (who has divorced me) intends to take my child, and he watered me from the well of Abu Inabah, and proved to be (a source of) benefit for me." The Messenger of Allah "Allah's blessing and peace be upon him" said: "Cast lots over him." Her husband said: "Who could dare to dispute with me over my right to get my child?" the Prophet "Allah's blessing and peace be upon him" said to the child: "This is your father, and this is your mother: take hold of the hand of whomever you like (to go with)." He took hold of the hand of his mother, and she went with him.

وَزَغَةٌ مِنَ الْوَزَغَاتِ، فقُلْتُ لَها: ما هَذَا؟ قالتْ: هَذا لِيُوحَنَّةَ، فَرُفِعْنَا إلى عُثْمَانَ أحْسِبُهُ قال مَهْدِيٌّ: قال فَسَأَلَهُمَا، فَاعْتَرَفَا، فقالَ لَهُمَا: أترْضَيَانِ أنْ أقْضِيَ بَيْنَكُمَا بقَضَاءِ رَسُولِ اللَّهِ ﷺ؟ إنَّ رَسُولَ اللَّهِ ﷺ قَضَى أنَّ الْوَلَدَ لِلْفِرَاشِ، وَأحْسِبُهُ قال: فَجَلَدَهَا وَجَلَدَهُ وكانَا مَمْلُوكَيْنِ».

[ت35/م34، 35] ـ باب مَنْ أَحَقُّ بالولد

2276 ـ حدّثنا مَحْمُودُ بنُ خَالِدٍ السُّلَمِيُّ: حدَّثنا الْوَلِيدُ، عن أبي عُمْرٍو ـ يَعني الأَوْزَاعِيَّ ـ: حَدَّثَني عَمْرُو بنُ شُعَيْبٍ، عن أبِيهِ، عن جَدِّهِ عَبْدِ اللَّهِ بنِ عَمْرٍو: أنَّ امْرَأَةً قالَتْ: يَا رَسُولَ اللَّهِ إنَّ ابْنِي هذَا كَانَ بَطْنِي لَهُ وِعَاءً، وَثَدْيِي لَهُ سِقَاءٍ، وَحِجْرِي لَهُ حِوَاءً، وَإنَّ أبَاهُ طَلَّقَنِي وَأرَادَ أنْ يَنْتَزِعَهُ مِنِّي، فقالَ لَهَا رَسُولُ اللَّهِ ﷺ: «**أَنْتِ أحَقُّ بِهِ مَا لَمْ تَنْكِحِي**».

2277 ـ حدّثنا الْحَسَنُ بنُ عَلِيٍّ الْحَلْوانِيُّ: حدَّثنا عَبْدُ الرَّزَّاقِ، وَأبُو عَاصِمٍ، عن ابنِ جُرَيْجٍ: أخبرني زِيَادٌ، عن هِلاَلِ بنِ أُسَامَةَ أنَّ أبَا مَيْمُونَةَ سُلْمَى مَوْلَى مِنْ أهْلِ الْمَدِينَةِ رَجُلَ صِدْقٍ قال: «بَيْنَمَا أنَا جَالِسٌ مَعَ أبي هُرَيْرَةَ جَاءَتْهُ امْرَأَةٌ فَارِسِيَّةٌ مَعَهَا ابنٌ لَها فَادَّعَيَاهُ وَقَدْ طَلَّقَهَا زَوْجُهَا، فَقَالَتْ: يَا أبَا هُرَيْرَةَ ـ رَطَنَتْ لَهُ بالْفَارِسِيَّةِ ـ زَوْجِي يُرِيدُ أن يَذْهَبَ بابني، فَقالَ أبو هُرَيْرَةَ: اسْتَهِمَا عَلَيْهِ، وَرَطَنَ لَهَا بِذَلِكَ، فَجَاءَ زَوْجُهَا فقال: مَنْ يُحَاقُّنِي في وَلَدِي؟ فقال أبُو هُرَيْرَةَ: اللَّهُمَّ إنِّي لا أقُولُ هَذَا إلاَّ أنِّي سَمِعْتُ امْرَأَةً جَاءَتْ إلى رَسُولِ اللَّهِ ﷺ وَأنَا قَاعِدٌ عِنْدَهُ فَقَالَتْ: يَا رَسُولَ اللَّهِ إنَّ زَوْجِي يُرِيدُ أنْ يَذْهَبَ بابْنِي وَقَدْ سَقَانِي مِنْ بِئْرِ أبي عِنَبَةَ وَقَدْ نَفَعَنِي، فقال رَسُولُ اللَّهِ ﷺ: «**اسْتَهِمَا عَلَيْهِ**»، فقال زَوْجُهَا: مَنْ يُحَاقِّني في وَلَدِي فَقَالَ النَّبِيُّ ﷺ: «**هَذَا أبُوكَ، وَهَذِه أُمُّكَ، فَخُذْ بِيَدِ أيِّهِما شِئْتَ**»، فَأَخَذَ بِيَدِ أُمِّهِ، فانْطَلَقَتْ بِهِ».

2278- It is narrated on the authority of Ali that he said: Zaid Ibn Harithah set out to Mecca, and he returned with the daughter of Hamzah. Ja'far said: "Let me take her, since I have more claim over her: she is the daughter of my paternal cousin, and her maternal aunt is my wife, and no doubt, the maternal aunt is of the same status as the mother." Ali Ibn Abu Talib said: "I have more claim over her: She is the daughter of my paternal cousin, and my wife is the daughter of the Messenger of Allah "Allah's blessing and peace be upon him", who has more claim over her." Zaid said: "I have more claim over her: I set out on journey for (bringing) her, and traveled and returned with her." The Messenger of Allah "Allah's blessing and peace be upon him" came out...and said: "As to the girl, I judge that she should go to (the house of) Ja'far, in order to live with her maternal aunt, for indeed, the maternal aunt is of the same status as the mother."

2279- The same is narrated on the authority of Abd Ar-Rahman Ibn Abu Laila, in which he said: "He judged that she should go to (the house of) Ja'far, saying: "Her maternal aunt is his wife."

2280- It is narrated on the authority of Ali that when The Prophet "Allah's blessing and peace be upon him" set out of Mecca the daughter of Hamzah followed him shouting: "O Uncle, O Uncle!" Ali took her by the hand and said to Fatima: "Take the daughter of your uncle." Ali, Zaid and Ja'far quarreled about her. Ali said: "I take her for she is the daughter of my uncle." Ja'far said: "She is the daughter of my uncle and her aunt is my wife." Zaid said: "She is the daughter of my brother." On that, The Prophet "Allah's blessing and peace be upon him" gave her to her aunt and said: "The aunt is of the same status as the mother."

[36] The Prescribed Period Of Iddat Of The Divorced Woman

2281- It is narrated on the authority of Asma' Bint Yazid Ibn As-Sakan Al-Ansariyyah that she was divorced during the lifetime of the Messenger of Allah "Allah's blessing and peace be upon him", and no period of Iddat had been prescribed for the divorced woman, thereupon Allah Almighty revealed the prescribed period of Iddat for the divorced woman just by the time Asma' was divorced. In this way, she was the first in whose connection the prescribed period of Iddat for the divorced woman was revealed.

[37] The Abrogation Of The Exception Made In The Prescribed Period Of Iddat For The Divorced Women

2282- It is narrated on the authority of Ibn Abbas that he said: Allah says: "Divorced women shall wait concerning themselves for three monthly

2278 ـ حدّثنا الْعَبَّاسُ بنُ عَبْدِ الْعَظِيمِ: حدَّثنا عَبْدُ المَلِكِ بنُ عَمْرٍو: حدَّثنا عَبْدُ الْعَزِيزِ بنُ مُحَمَّدٍ، عن يَزِيدَ بنِ الْهَادِ، عن مُحَمَّدِ بنِ إبراهِيمَ، عن نَافِعِ بن عُجَيْرٍ، عن أبِيهِ، عن عَلِيٍّ رضي اللَّهُ عنه قالَ: خَرَجَ زَيْدُ بنُ حَارِثَةَ إلى مَكَّةَ فَقَدِمَ بابْنَةِ حَمْزَةَ، فقال جَعْفَرٌ: أنَا آخُذُهَا، أنا أحَقُّ بِها، ابْنَةُ عَمِّي وَعِنْدِي خَالَتُهَا وَإِنَّمَا الْخَالَةُ أُمٌّ، فقال عَلِيٌّ: أنا أحَقُّ بِهَا ابنةُ عَمِّي، وعِنْدِي ابْنَةُ رَسُولِ اللَّهِ ﷺ وَهِيَ أحَقُّ بِها، فقال زَيْدٌ: أنا أحَقُّ بِها، أنا خَرَجْتُ إلَيْهَا وَسَافَرْتُ وَقَدِمْتُ بِها، فَخَرَجَ النَّبيُّ ﷺ، فَذَكَرَ حَدِيثًا قال: «**وَأَمَّا الْجَارِيَةُ فأَقْضِي بِها لِجَعْفَر تَكُونُ مَعَ خَالَتِهَا، وَإِنَّمَا الْخَالَةُ أمٌّ**».

2279 ـ حدّثنا مُحَمَّدُ بنُ عيسَى: حدَّثنا سُفْيَانُ، عن أبي فَرْوَةَ، عن عَبْدِ الرَّحْمَنِ بنِ أبي لَيْلَى بِهذا الْخَبَرِ وَلَيْسَ بِتَمَامِهِ قال: وَقَضَى بِها لِجَعْفَرٍ وقال: «**إنَّ خَالَتَها عِنْدَهُ**».

2280 ـ حدّثنا عَبَّادُ بنُ مُوسَى أنَّ إسْمَاعِيلَ بنَ جَعْفَرٍ حَدَّثَهُمْ، عن إسْرَائِيلَ، عن أبي إسْحَاقَ، عن هانِيءٍ وَهُبَيْرَةَ، عن عَلِيٍّ قال: لَمَّا خَرَجْنَا مِنْ مَكَّةَ تَبِعَتْنَا بِنْتُ حَمْزَةَ تُنادِي: يا عَمّ يا عَمّ. فَتَنَاوَلَها عَلِيٌّ فَأَخَذَ بِيَدِهَا وَقَالَ: دُونَكِ بِنْتَ عَمِّكِ، فَحَمَلَتْها، فقَصَّ الْخبرَ، قال: وقال جَعْفَرٌ: ابْنَةُ عَمِّي وَخالَتُهَا تَحْتِي، فَقَضَى بِها النَّبيُّ ﷺ لِخالَتِها وقال: «**الْخَالَةُ بمَنْزِلَةِ الأمِّ**».

[ت36/م35، 36] ـ باب في عِدَّة المُطَلَّقة

2281 ـ حدّثنا سُلَيْمَانُ بنُ عَبْدِ الْحَمِيدِ الْبَهْرَانِيُّ: حدَّثنا يَحْيَى بنُ صَالِحٍ: حدَّثنا إسْمَاعِيلُ بنُ عَيَّاشٍ: حدَّثني عَمْرُو بنُ مُهَاجِرٍ، عن أبِيهِ، عن أسْمَاءَ بِنْتِ يَزِيدَ بنِ السَّكَنِ الأنْصَارِيَّةِ: «أنَّهَا طُلِّقَتْ عَلَى عَهْدِ رَسُولِ اللَّهِ ﷺ وَلم يَكُنْ لِلمُطَلَّقةِ عِدَّةٌ فَأَنْزَلَ اللَّهُ عَزَّ وَجَلَّ حِينَ طُلِّقَتْ أسْمَاءُ بالْعِدَّةِ لِلطَّلاقِ، فَكَانَتْ أوَّلَ مَنْ أُنْزِلَتْ فِيهَا الْعِدَّةُ لِلْمُطَلَّقَاتِ».

[ت37/م37] ـ باب في نَسْخِ ما استثني به من عِدَّة المطلقات

2282 ـ حدّثنا أَحْمَدُ بنُ مُحَمَّدِ بنِ ثَابِتٍ المروزيُّ: حَدَّثَني عَلِيُّ بنُ حُسَيْنٍ، عن أبِيهِ، عن يَزِيدَ النَّحْوِيِّ، عن عِكْرِمَةَ، عن ابن عَبَّاسٍ قال: ﴿وَٱلْمُطَلَّقَٰتُ

periods." (Al-Baqarah 228) He further says: "Such of your women as have passed the age of monthly courses, for them the prescribed period, if you have any doubts, is three months, and for those who have no courses (it is the same." (At-Talaq 4) but this is partially abrogated by His saying: "O you who believe! when you marry believing women, and then divorce them before you have touched them, no period of Iddat have you to count in respect of them." (Al-Ahzab 49)

[38] Bringing Back One's Divorced Wife

2283- It is narrated on the authority of Ibn Abbas from Umar that the Messenger of Allah "Allah's blessing and peace be upon him" divorced Hafsah and then he brought her back.

[39] The Maintenance Of The Irrevocably Divorced Woman

2284- It is narrated on the authority of Abu Salamah Ibn Abd Ar-Rahman from Fatimah Bint Qais that (her husband) Abu Amr Ibn Hafs divorced her irrevocably, while he was absent from her. He sent to her his deputy, carrying (a quantity of) parley, which she refused. Upon this he said: "By Allah! You have no (right of) maintenance on us (so that we would give it to you after your divorce)." Then, she went to The Messenger of Allah "Allah's blessing and peace be upon him", and told him of that. He said to her: "Verily, you have no (right of) maintenance on him (which he should give you)." Then, he ordered her to spend the prescribed period of her Iddat in the house of Umm Sharik. But he said: "This (Umm Sharik) is a woman, whose house my companions might come. So, you should spend the prescribed period of your Iddat in the house of Ibn Umm Maktum. Indeed, he is a blind man, and (in his house) you could put off your garment (if you so liked to sit at ease, and he would not be able to see you). Then, when you finish (your Iddat), you should inform me." She said: When I finished (my Iddat), I told him that both of Mu'awiyah Ibn Abu Sufyan and Abu Jahm demanded my hand. Upon this The Messenger of Allah "Allah's blessing and peace be upon him" said: "As for Abu Jahm, he does not put down his stick from his shoulder (i.e. either he nearly spends his life on journeys, or he always beats his women). As for Mu'awiyah, he is very poor, and he has no property (to spend on you fairly). But, you'd better marry Usamah Ibn Zaid." But, she objected to him (at first). He (The Prophet) said to her once again: "Marry Usamah Ibn Zaid." She got married to him, and Allah made in him a (source of) goodness for her, and she was envied (because of him).

يَتَرَبَّصْنَ بِأَنفُسِهِنَّ ثَلَٰثَةَ قُرُوٓءٍ﴾ [البقرة: 228] وقال: ﴿وَٱلَّٰٓـِٔى يَئِسْنَ مِنَ ٱلْمَحِيضِ مِن نِّسَآئِكُمْ إِنِ ٱرْتَبْتُمْ فَعِدَّتُهُنَّ ثَلَٰثَةُ أَشْهُرٍ﴾ [الطلاق: 4] فَنُسِخَ مِنْ ذَلِكَ وَقَالَ: ﴿ثُمَّ طَلَّقْتُمُوهُنَّ مِن قَبْلِ أَن تَمَسُّوهُنَّ فَمَا لَكُمْ عَلَيْهِنَّ مِنْ عِدَّةٍ تَعْتَدُّونَهَا﴾ [الأحزاب: 49].

[ت38/م36، 38] ـ باب في المُرَاجعة

2283 ـ حدّثنا سَهْلُ بنُ مُحَمَّدِ بنِ الزُّبَيْرِ الْعَسْكَرِيُّ: حدَّثنا يَحْيَى بنُ زَكَرِيَّا بنِ أبي زَائِدَةَ، عن صَالِحِ بنِ صَالِحٍ، عن سَلَمَةَ بنِ كُهَيْلٍ، عن سَعِيدِ بن جُبَيْرٍ، عن ابن عَبَّاسٍ، عن عُمَرَ: «أنَّ النَّبيَّ ﷺ طَلَّقَ حَفْصَةَ ثُمَّ رَاجَعَهَا».

[ت39/م37 ، 39] ـ باب في نَفَقَة المبْتُوتة

2284 ـ حدّثنا الْقَعْنَبِيُّ، عن مَالِكٍ، عن عَبْدِ اللَّهِ بنِ يَزِيدَ مَوْلَى الأَسْوَدِ بن سُفْيَانَ، عن أبي سَلَمَةَ بن عَبْدِ الرَّحْمَنِ، عن فاطِمَةَ بِنْتِ قَيْسٍ أنَّ أبَا عَمْرِو بنَ حَفْصٍ طَلَّقَهَا الْبَتَّةَ وَهُوَ غَائِبٌ، فَأَرْسَلَ إِلَيْهَا وَكِيلَهُ بِشَعِيرٍ فَتَسَخَّطَتْهُ، فقال: وَاللَّهِ مَا لَكِ عَلَيْنَا مِنْ شَيْءٍ، فَجَاءَتْ رَسُولَ اللَّهِ ﷺ فَذَكَرَتْ ذَلِكَ لَهُ، فقال لَها: «**لَيْسَ لَكِ عَلَيْهِ نَفقَةٌ، وَأَمَرَهَا أَنْ تَعْتَدَّ في بَيْتِ أُمِّ شَرِيكَ**»، ثُمَّ قال: «**إنَّ تِلْكَ امْرَأَةٌ يَغْشَاهَا أصْحَابِي، اعْتَدِّي في بَيْتِ ابنِ أُمِّ مَكْتُوم فإِنَّهُ رَجُلٌ أعْمَى تَضَعِينَ ثِيَابَكِ، وَإِذَا حَلَلْتِ فَآذِنِينِي**» قالَتْ: فلَمَّا حَلَلْتُ ذَكَرْتُ لَهُ أنَّ مُعَاوِيَةَ بنَ أبي سُفْيَانَ وَأبَا جَهْمٍ خَطَبَانِي، فقال رَسُولُ اللَّهِ ﷺ: «**أمَّا أبو جَهْمٍ فَلاَ يَضَعُ عَصَاهُ عن عَاتِقِهِ، وَأَمَّا مُعَاوِيَةُ فَصُعْلُوكٌ لا مَالَ لَهُ، انْكِحِي أُسَامَةَ بنَ زَيْدٍ**». قالَتْ: فكَرِهْتُهُ، ثُمَّ قال: «**انْكِحِي أُسَامَةَ بنَ زَيْدٍ**»، فَنَكَحْتُهُ فَجعَلَ اللَّهُ تَعالَى فِيهِ خَيْرًا كثيرًا وَاغْتَبَطْتُ به.

2285- It is narrated on the authority of Abu Salamah Ibn Abd Ar-Rahman that Fatimah Bint Qais told him that her husband Abu Hafs Ibn Al-Mughirah divorced her thrice...and the rest is the same, in which he told that Khalid Ibn Al-Walid and many belonging to Banu Makhzum went to the Messenger of Allah "Allah's blessing and peace be upon him" and said: "O Messenger of Allah! Abu Hafs Ibn Al-Mughirah divorced his wife thrice, and left a little maintenance for her." The Messenger of Allah "Allah's blessing and peace be upon him" said: "No maintenance for her (is binding upon him)."...and the rest is the same, even though the narration of Malik is more complete.

2286- It is narrated on the authority of Abu Salamah Ibn Abd Ar-Rahman that Fatimah Bint Qais told him that her husband Abu Hafs Ibn Al-Mughirah divorced her thrice...and the rest is the same, in which he told that Khalid Ibn Al-Walid told that The Messenger of Allah "Allah's blessing and peace be upon him" said: "No maintenance nor residence for her (are binding upon him)."...The Messenger of Allah "Allah's blessing and peace be upon him" further said to her: "(When your prescribed term of Iddat comes to an end) do not hasten to do anything (concerning your marriage) before you inform me."

2287- It is narrated on the authority of Fatimah Bint Qais that she said: I was the wife of a man belonging to Banu Makhzum, who divorced me irrevocably...and the rest is the same, in which the Messenger of Allah "Allah's blessing and peace be upon him" said to her: "(When your prescribed term of Iddat comes to an end) do not hasten to do anything (concerning your marriage) before you inform me."

Abu Dawud says: The same is narrated on the authority of Fatimah Bint Qais, through different chain of transmitters, and all agree that her husband divorced her thrice.

2288- It is narrated on the authority of Fatimah Bint Qais that her husband divorced her thrice, thereupon the Messenger of Allah "Allah's blessing and peace be upon him" made no maintenance nor residence for her (binding upon her husband).

2289- It is narrated on the authority of Abu Salamah Ibn Abd Ar-Rahman that Fatimah Bint Qais told him that her husband Abu Hafs Ibn Al-Mughirah divorced her thrice, and she pretended she had gone to the Messenger of Allah "Allah's blessing and peace be upon him" and sought for his religious verdict pertaining to her coming out of her residence, and he ordered her to move to (the house of) Ibn Umm Maktum, the blind.

2285 ـ حدّثنا مُوسَى بنُ إِسْمَاعِيل: حدَّثنا أبَانُ بنُ يَزِيدَ الْعَطَّارُ: حدَّثنا يَحْيَى بنُ أبي كَثِيرٍ: حَدَّثني أبو سَلَمَةَ بنُ عَبْدِ الرَّحْمَنِ: أنَّ فَاطِمَةَ بِنْتَ قَيْسٍ حَدَّثَتْهُ أنَّ أبَا حَفْصِ بن المُغِيرَةِ طَلَّقَها ثَلاَثًا، وَسَاقَ الْحَدِيثَ فيه، وَإنَّ خَالِدَ بنَ الْوَلِيدِ ونَفَرًا مِنْ بَنِي مَخْزُوم أتَوْا النَّبيَّ ﷺ فقالُوا: يا نَبِيَّ اللَّهِ إنَّ أبَا حَفْصِ بن المُغِيرَةِ طَلَّقَ امْرَأتَهُ ثَلاَثًا وَإنَّهُ تَرَكَ لَها نَفَقَةً يَسِيرَةً فقال: **«لا نَفَقَةَ لَها»** وَسَاقَ الحدِيثَ. وَحَدِيثُ مَالِكٍ أتَمُّ.

2286 ـ حدّثنا مَحْمُودُ بنُ خالِدٍ: حدَّثنا الْوَلِيدُ: حدَّثنا أبُو عَمْرٍو، عن يَحْيَى: حَدَّثَني أبُو سَلَمَةَ: «حَدَّثَتْني فَاطِمَةُ بِنْتُ قَيْسٍ أنَّ أبَا عَمْرِو بن حَفْصٍ المَخْزُومِيَّ طَلَّقَهَا ثَلاَثًا. وَسَاقَ الحدِيثَ وَخَبَرَ خَالِدِ بن الْوَلِيدِ قال: فقال النَّبيُّ ﷺ: **«لَيْسَتْ لَها نَفَقَةٌ وَلا مَسْكَنٌ»**. قال فيه: وَأرْسَلَ إلَيْهَا رَسُولُ اللَّهِ ﷺ: **«أنْ لا تَسْبِقِينِي بِنَفْسِكِ»**.

2287 ـ حدّثنا قُتَيْبَةُ بنُ سَعِيدٍ أنَّ مُحَمَّدَ بنَ جَعْفَرٍ حدَّثَهُمْ: حدَّثنا مُحَمَّدُ بنُ عَمْرٍو، عن يَحْيَى، عن أبي سَلَمَةَ، عن فَاطِمَةَ بِنْتِ قَيْسٍ قالَتْ: كُنْتُ عِنْدَ رَجُلٍ مِنْ بَنِي مَخْزُومٍ فَطَلَّقَنِي الْبَتَّةَ، ثُمَّ سَاقَ نَحْوَ حَدِيثِ مَالِكٍ قال فيه: **«وَلا تُفَوِّتِينِي بِنَفْسِكِ»**.

قال أبُو دَاوُدَ: وكَذلِكَ رَوَاهُ الشَّعْبِيُّ، وَالْبَهِيُّ، وَعَطَاءٌ، عن عَبْدِ الرَّحْمَنِ بنِ عَاصِمٍ وَأبُو بَكْرِ بن أبي الْجَهْمِ، كُلُّهُمْ عن فَاطِمَةَ بِنْتِ قَيْسٍ: «أنَّ زَوْجَهَا طَلَّقَهَا ثَلاَثًا».

2288 ـ حدّثنا مُحَمَّدُ بنُ كَثِيرٍ: أخبرنا سُفْيَانُ: حدَّثنا سَلَمَةُ بنُ كُهَيْلٍ، عن الشَّعْبِيِّ، عن فَاطِمَةَ بِنْتِ قَيْسٍ: «أنَّ زَوْجَهَا طَلَّقَهَا ثَلاَثًا، فَلَمْ يَجْعَلْ لَها النَّبيُّ ﷺ نَفَقَةً وَلا سُكْنَى».

2289 ـ حدّثنا يَزِيدُ بنُ خَالِدٍ الرَّمْلِيُّ: حدَّثنا اللَّيْثُ، عن عُقَيْلٍ، عن ابن شِهَابٍ، عن أبي سَلَمَةَ، عن فَاطِمَةَ بِنْتِ قَيْسٍ: «أنَّها أخْبَرَتْهُ أنَّها كَانَتْ عِنْدَ أبي حَفْصِ بنِ المُغِيرَةِ، وَأنَّ أبَا حَفْصِ بنِ المُغِيرَةِ طَلَّقَهَا آخِرَ ثلاثِ تَطْلِيقَاتٍ فَزَعَمَتْ أنَّهَا جَاءَتْ رَسُولَ اللَّهِ ﷺ فاسْتَفْتَتْهُ في خُرُوجِهَا مِنْ بَيْتِهَا، فَأمَرَهَا أنْ تَنْتَقِلَ إلى

Marwan refused to affirm her narration therewith the divorced woman could leave her residence. Urwah told that A'ishah too denied this narration of Fatimah Bint Qais.

Abu Dawud says: The same is narrated on the authority of Az-Zuhri, through another chain of transmission.

2290- It is narrated on the authority of Ubaidullah Ibn Abdullah Ibn Utbah that Marwan (who became the governor of Medina) sent (somebody) to Fatimah Bint Qais to ask her, and she told him that she was the wife of Abu Hafs, and at the same time, the Messenger of Allah "Allah's blessing and peace be upon him" had sent Ali Ibn Abu Talib to Yemen and her husband set out in his company. He sent to his wife (Fatima Bint Qais a message in which he pronounced the third and) last divorce which remained for her, and ordered Ayyash Ibn Abu Rabie'ah and Al-Harith Ibn Hisham to give her maintenance. They said (to her): "By Allah! You have no (right of) maintenance (binding upon us) unless you are pregnant." She went to The Prophet "Allah's blessing and peace be upon him" and mentioned to him their statement. Upon this he said: "You have no (claim of) maintenance (binding upon them) unless you are pregnant." So, she asked for his permission to move (to another house), and he gave her permission. She asked: "Where would I move O Messenger of Allah?" he said: "To (the house of) Ibn Umm Maktum." However, he was a blind, in whose house, she would be able to put off her garment, without seeing her. When the prescribed period of her Iddat was over, The Prophet "Allah's blessing and peace be upon him" married her to Usamah Ibn Zaid. Qabisah Ibn Dhu'aib (whom Marwan had sent to her to enquire from her about that narration) returned and told him about it. But, Marwan said: "We did not hear this Hadith but from a woman. So, we would adopt the reliable case, upon which we found the people." When the statement of Marwan reached her, Fatimah said: "The Qur'an is (an evidence) between you and me. Allah says: "and turn them not out of their houses, nor shall they (themselves) leave... you do not know if perchance Allah will bring about thereafter some new situation." (The Divorce 1) (and that applies to the one who could be taken back, i.e. whose divorce is not irrevocable). Then, what else would happen after pronouncing the three (divorces)?"

Abu Dawud says: Both narrations of Abu Salamah and Ubaidullah are transmitted through different chains of transmitters.

Abu Dawud says: The same narration of Ubaidullah is transmitted on the authority of Az-Zuhri from Qabisah Ibn Dhu'aib that he told him that when he returned from her to Marwan...and the rest is the same.

ابنِ أُمِّ مَكْتُومٍ الأَعمَى، فأَبَى مَرْوَانُ أنْ يُصَدِّقَ حَدِيثَ فَاطِمَةَ في خُرُوجِ الْمُطَلَّقَةِ مِنْ بَيْتِهَا».

قال عُرْوَةُ: وَأَنْكَرَتْ عَائِشَةُ رضي اللَّهِ عنه عَلَى فَاطِمَةَ بِنْتِ قَيْسٍ.

قال أَبُو دَاوُدَ: وكَذَلِكَ رَوَاهُ صَالحُ بنُ كَيْسَانَ، وَابنُ جُرَيْجٍ، وَشُعَيْبُ بنُ أبي حَمْزَةَ كُلُّهُمْ عن الزُّهْرِيِّ.

قال أَبُو دَاوُدَ: شُعَيْبُ بنُ أبي حَمْزَةَ، وَاسْمُ أبي حَمْزَةَ دِينَارٌ، وَهُوَ مَوْلَى زِيادٍ.

2290 ـ حدّثنا مَخْلَدُ بنُ خَالِدٍ: حدَّثنا عَبْدُ الرَّزَّاقِ، عن مَعْمَرٍ، عن الزُّهْرِيِّ، عن عُبَيْدِ اللَّهِ قال: «أرْسَلَ مَرْوَانُ إلى فَاطِمَةَ فَسَأَلَها فأَخْبَرَتْهُ أنَّها كَانَتْ عِنْدَ أبي حفصة وكَانَ النَّبيُّ ﷺ أَمَّرَ عَليَّ بن أبي طَالِبٍ ـ يَعني عَلَى بَعْضِ الْيَمَنِ ـ فَخرَجَ مَعَهُ زَوْجُها فَبَعَثَ إلَيْهَا بِتَطْلِيقَةٍ كَانَتْ بَقِيَتْ لَها، وَأَمَرَ عَيَّاشَ بن أبي رَبيعَةَ وَالْحَارِثَ بنَ هِشَامٍ أنْ يُنْفِقَا عَلَيْهَا، فَقالا: واللَّهِ ما لَها نفَقَةٌ إلاَّ أنْ تَكُونَ حَامِلاً»، وَاسْتَأْذَنَتْهُ في الانْتِقَالِ، فأَذِنَ لَها، فقالَتْ: أيْنَ أَنْتَقِلُ يَا رَسُولَ اللَّهِ؟ فقال رَسُولُ اللَّهِ ﷺ: «**عِنْدَ ابنِ أُمِّ مَكْتُومٍ**» ـ وكَانَ أعمَى ـ تَضَعُ ثِيَابَها عِنْدَهُ وَلا يُبْصِرُها، فَلَمْ تَزَلْ هُناكَ حَتَّى مَضَتْ عِدَّتُهَا، فأَنْكَحَهَا النَّبيُّ ﷺ أُسَامَةَ، فَرَجَعَ قَبِيصَةُ إلى مَرْوَانَ فأَخْبَرَهُ ذَلِكَ، فقال مَرْوَانُ: لَم نَسْمَعْ هَذَا الْحَدِيثَ إلاَّ من امْرَأةٍ فَسَنَأْخُذُ بالْعِصْمَةِ الَّتي وَجَدْنا النَّاسَ عَلَيْهَا، فقالَتْ فَاطِمَةُ حِينَ بَلَغَهَا ذَلِكَ: بَيْني وَبَيْنَكُمْ كِتَابُ اللَّهِ، قال اللَّهُ: ﴿فَطَلِّقُوهُنَّ لِعِدَّتِهِنَّ﴾ حَتَّى ﴿لَا تَدْرِى لَعَلَّ ٱللَّهَ يُحْدِثُ بَعْدَ ذَٰلِكَ أَمْرًا ۝١﴾ [الطلاق: 1] قالت: فأَيُّ أمرٍ يُحْدِثُ بَعْدَ الثَّلاَثِ».

قال أَبُو دَاوُدَ: وَكَذَلِكَ رَوَاهُ يُونُسُ، عن الزُّهْرِيِّ، وَأَمَّا الزُّبَيْدِيُّ فَرَوَى الْحَدِيثَيْنِ جمِيعًا، حَدِيثَ عُبَيْدِ اللَّهِ بمَعْنَى مَعْمَرٍ، وَحَدِيثَ أبي سَلَمَةَ بمَعْنَى عُقَيْلٍ.

قال أَبُو دَاوُدَ: وَرَوَاهُ مُحَمَّدُ بنُ إسْحَاقَ، عن الزُّهْرِيِّ، أنَّ قَبِيصةَ بنَ ذُؤَيْبٍ حَدَّثَهُ بمَعْنى دَلَّ عَلَى خَبَرِ عُبَيْدِ اللَّهِ بنِ عَبْدِ اللَّهِ حِينَ قال: فَرَجَعَ قَبِيصَةُ إلى مَرْوَانَ فأَخْبَرَهُ بِذَلِكَ.

[40] Rejecting That Narration Of Fatimah Bint Qais

2291- It is narrated on the authority of Abu Ishaq that he said: I was sitting in the mosque with Al-Aswad when he said: Fatimah Bint Qais went to Umar Ibn Al-Khattab who said: "We are not to leave the Book of our Lord, and the sunnah of our Messenger for a statement related by a woman, and we do not know whether she does or does not well-memorize it."

2292- It is narrated on the authority of Hisham Ibn Urwah from his father that A'ishah strongly criticized the narration of Fatimah Bint Qais, and said: However, Fatimah's house was in a vacant place, in which there was no resident, and it was feared (she might be attacked) from this side of her, and it is for this that the Messenger of Allah "Allah's blessing and peace be upon him" gave her permission (to leave it).

2293- It is narrated on the authority of Urwah Ibn Az-Zubair that he said: It was said to A'ishah: "Do you not see the statement of Fatimah (that the irrevocably divorced woman should leave the house of her husband even during her prescribed term)?" she said: "No doubt, there is no good for her in relating this narration."

2294- It is narrated on the authority of Sulaiman Ibn Yasar that he said pertaining to Fatimah's leaving (the house of her husband after having being divorced irrevocably): "This was out of the bad manners."

2295- It is narrated on the authority of Al-Qasim Ibn Muhammad and Sulaiman Ibn Yasar that Yahya Ibn Sa'id Ibn Al-As divorced (Amrah) the daughter of Abd Ar-Rahman Ibn Al-Hakam irrevocably, thereupon Abd Ar-Rahman moved her (from the house of her husband to fulfill her prescribed term in his house). A'ishah sent to Marwan Ibn Al-Hakam, the governor of Medina saying: "Fear Allah and restore the woman to the house of her (husband)!" Marwan said: "Abd Ar-Rahman has overpowered me (with his argument) (or: has the news of the statement of Fatimah Bint Qais not reached you?)" A'ishah said: "There is no harm on you not to mention the narration of Fatimah." Marwan said: "If you know the evil (for which Fatimah Bint Qais left the house of her husband, i.e. when she offended her husband's relatives in his house), it is sufficient for you to know that the same evil broke up between both (Amrah and Yahya)."

2296- It is narrated on the authority of Maimun Ibn Mahran that he said: I came to Medina and soon went to Sa'id Ibn Al-Musayyab to whom I said: "Fatimah Bint Qais was divorced (irrevocably), and she left the house of her (husband)." On that Sa'id said: "This woman has put the people to trial!

[ت40/م38 ، 40] ـ باب مَنْ أَنْكَرَ ذلك على فاطمة بنت قيس

2291 ـ حدّثنا نَصْرُ بنُ عَلِيٍّ: أخبرني أَبُو أَحْمَدَ: حدَّثنا عَمَّارُ بنُ رُزَيْقٍ، عن أَبِي إِسْحَاقَ قال: «كُنْتُ في المَسْجِدِ الْجَامِعِ مع الأَسْوَدِ فقال: أَتَتْ فَاطِمَةُ بِنْتُ قَيْسٍ عُمَرَ بنَ الْخَطَّابِ رضي اللَّهُ عنه فقال: ما كُنَّا لِنَدَعَ كِتَابَ رَبِّنَا وَسُنَّةَ نَبِيِّنَا ﷺ لِقَوْلِ امْرَأَةٍ لا نَدْرِي أَحَفِظَتْ ذَلِكَ أَمْ لا».

2292 ـ حدّثنا سُلَيْمَانُ بنُ دَاوُدَ: حدَّثنا ابنُ وَهْبٍ: حدَّثنا عَبْدُ الرَّحْمَنِ بنُ أبي الزِّنَادِ، عن هِشَامِ بن عُرْوَةَ، عن أَبِيهِ قال: «لَقَدْ عَابَتْ ذَلِكَ عَائِشَةُ رضي اللَّهُ عنها أَشَدَّ الْعَيْبِ ـ يَعْني حَدِيثَ فاطِمَةَ بِنْتِ قَيْسٍ ـ وَقَالَتْ: إنَّ فَاطِمَةَ كَانَتْ في مَكَانٍ وَحْشٍ فَخِيفَ عَلَى نَاحِيَتِهَا فَلِذَلِكَ رَخَّصَ لَهَا رَسُولُ اللَّهِ ﷺ».

2293 ـ حدّثنا مُحَمَّدُ بنُ كَثِيرٍ: أخبرنا سُفْيَانُ، عن عَبْدِ الرَّحْمَنِ بنِ الْقَاسِمِ، عن أَبِيهِ، عن عُرْوَةَ بنِ الزُّبَيْرِ: «أَنَّهُ قِيلَ لِعَائِشَةَ: أَلَمْ تَرَيْ إلى قَوْلِ فَاطِمَةَ: قالَتْ: أَمَا إِنَّهُ لا خَيْرَ لَها في ذِكْرِ ذَلِكَ».

2294 ـ حدّثنا هَارُونُ بنُ زَيْدٍ: حدَّثنا أبي، عن سُفْيَانَ، عن يَحْيَى بنِ سَعِيدٍ، عن سُلَيْمَانَ بنِ يَسَارٍ في خُرُوجِ فَاطِمَةَ قال: «إِنَّمَا كَانَ ذَلِكَ مِنْ سُوءِ الْخُلُقِ».

2295 ـ حدّثنا الْقَعْنَبِيُّ، عن مَالِكٍ، عن يَحْيَى بنِ سَعِيدٍ، عن الْقَاسِمِ بنِ مُحَمَّدٍ وَسُلَيْمَانَ بنِ يَسَارٍ أَنَّهُ سَمِعَهُمَا يَذْكُرَانِ أَنَّ يَحْيَى بنَ سَعِيدِ بنِ الْعَاصِ طَلَّقَ بِنْتَ عَبْدِ الرَّحْمَنِ بنِ الْحَكَمِ الْبَتَّةَ، فانْتَقَلَهَا عَبْدُ الرَّحْمَنِ، فأَرْسَلَتْ عَائِشَةُ رضي اللَّهُ عنها إلى مَرْوَانَ بنِ الْحَكَمِ وَهُوَ أَمِيرُ الْمَدِينَةِ، فقالَتْ لَهُ: اتَّقِ اللَّهَ وَارْدُدِ الْمَرْأَةَ إلى بَيْتِهَا، فقال مَرْوَانُ في حَدِيثِ سُلَيْمَانَ إنَّ عَبْدَ الرَّحْمَنِ غَلَبَنِي. وَقال مَرْوَانُ في حَدِيثِ الْقَاسِمِ: أَوَمَا بَلَغَكِ شَأْنُ فَاطِمَةَ بِنْتِ قَيْسٍ، فقالَتْ عَائِشَةُ: لا يَضُرُّكَ أَنْ لا تَذْكُرَ حَدِيثَ فاطِمَةَ، فقال مَرْوَانُ: إنْ كَانَ بِكِ الشَّرُّ فَحَسْبُكِ ما كَانَ بَيْنَ هَذَيْنِ مِنَ الشَّرِّ.

2296 ـ حدّثنا أَحْمَدُ بنُ عَبْدِ اللَّهِ بنِ يُونُسَ: حدَّثنا زُهَيْرٌ: حدَّثنا جَعْفَرُ بنُ بُرْقَانَ: حدَّثنا مَيْمُونُ بنُ مَهْرَانَ قال: «قَدِمْتُ الْمَدِينَةَ فَدُفِعْتُ إلى سَعِيدِ بن الْمُسَيَّبِ فَقُلْتُ: فَاطِمَةُ بِنْتُ قَيْسٍ طُلِّقَتْ فَخَرَجَتْ منْ بَيْتِهَا، فقال سَعِيدٌ: تِلْكَ امْرَأَةٌ فَتَنَتِ

She was endued with offensive tongue, thereupon she was placed in the house of Ibn Umm Maktum the blind."

[41] The Irrevocably Divorced Woman Could Come Out By Day

2297- It is narrated on the authority of Abu Az-Zubair that Jabir said: My maternal aunt was divorced irrevocably. (during the period of her Iddat) she came out (of the house) to pluck (the fruits of) her date palm trees. But a man saw her, and scolded her for her coming out. Upon this she went to The Messenger of Allah "Allah's blessing and peace be upon him" who said (to her): "No, you might (get out in order to) pluck (the fruits of) your date-palm trees, perchance you might give in charity, or do a good favour."

[42] The Abrogation Of The Gift Of Such As Whose Husband Dies With The Obligatory Share Of Inheritance Assigned To Her

2298- It is narrated on the authority of Ibn Abbas that he said: As to the statement: "Those of you who die and leave widows should bequeath for their widows a year's maintenance and residence", it was abrogated with the Holy Statement of the inheritance, in which Allah Almighty has assigned for her an obligatory share of one-fourth (in case there is no offspring), or one-eighth (in case there is offspring), as well as the one-year-maintenance-and-residence term was abrogated with that of four months and ten days (as shown in His saying: "If any of you die and leave widows behind, they shall wait concerning themselves four months and ten days.").

[43] The Mourning Of Such As Whose Husband Dies

2299- It is narrated on the authority of Humaid Ibn Nafi' that Zainab Bint Abu Salamah related to him the following three traditions:

Zainab Bint Abu Salamah narrated: I entered upon Umm Habibah, the wife of The Prophet "Allah's blessing and peace be upon him" when her father Abu Sufyan Ibn Harb died. Umm Habibah asked for perfume which contained yellow scent or other kind of scent, with which she first perfumed one of the girls, and then rubbed her cheeks and said: "By Allah, I am not in need of perfume, but I heard The Messenger of Allah "Allah's blessing and peace be upon him" having said: "It is not lawful for a woman who believes in Allah and the Last Day to mourn for a dead person for more than three days except her husband for whom she should mourn for four months and ten days.""

Zainab narrated: I entered upon Zainab Bint Jahsh when her brother died. She asked for perfume, some of which she used and said: "By Allah, I am not in need of perfume, but I heard The Messenger of Allah "Allah's

النَّاسَ، إِنَّهَا كَانَتْ لَسِنَةً فَوُضِعَتْ عَلَى يَدَي ابنِ أُمِّ مَكْتُومٍ الأعْمَى».

[ت41/م39، 41] ـ باب في المبتوتة تَخْرُج بالنَّهار

2297 ـ حدّثنا أَحْمَدُ بنُ حَنْبَلٍ: حدَّثنا يَحيى بنُ سَعِيدٍ، عن ابنِ جُرَيْجٍ، قال: أخبرني أبو الزُّبَيْرِ، عن جَابرٍ قال: طُلِّقَتْ خَالَتِي ثلاَثًا فَخَرَجَت تَجُدُّ نَخْلاً لَها، فَلَقِيَهَا رَجُلٌ فَنهَاهَا، فأَتَتِ النَّبيَّ ﷺ فَذَكَرَتْ ذَلِكَ لَهُ، فقال لَها: «**اخْرُجِي فَجُدِّي نَخْلَكِ، لَعَلَّكِ أَنْ تَصَدَّقِي مِنْهُ، أَوْ تَفْعَلِي خَيْرًا**».

[ت42/م40، 42] ـ باب نَسْخ متاع المتوفَّى عنها زوجها بما فُرِضَ لها من الميراث

2298 ـ حدّثنا أَحْمَدُ بنُ مُحَمَّدٍ المَرْوَزِيُّ: حَدَّثَني عَلِيُّ بنُ الْحُسَيْنِ بنِ وَاقِدٍ، عن أبيهِ، عن يَزِيدَ النَّحْوِيِّ، عن عِكْرِمَةَ، عن ابنِ عَبَّاسٍ: «﴿وَٱلَّذِينَ يُتَوَفَّوْنَ مِنكُمْ وَيَذَرُونَ أَزْوَٰجًا وَصِيَّةً لِّأَزْوَٰجِهِم مَّتَٰعًا إِلَى ٱلْحَوْلِ غَيْرَ إِخْرَاجٍ﴾ [البقرة: 240] فَنُسِخَ ذَلِكَ بآيَةِ المِيراثِ بما فَرَضَ اللَّهُ لَهُنَّ مِنَ الرُّبُعِ وَالثُّمُنِ، وَنُسِخَ أَجَلُ الْحَوْلِ بِأَنْ جُعِلَ أَجَلُهَا أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا.

[ت43/م41 ، 43] ـ باب إحْدَاد المتوفى عنها زوجها

2299 ـ حدّثنا الْقَعْنَبِيُّ، عن مَالِكٍ، عن عَبْدِ اللَّهِ بنِ أبي بَكْرٍ، عن حُمَيْدِ بنِ نَافِعٍ، عن زَيْنَبَ بنْتِ أَبِي سَلَمَةَ أَنَّهَا أَخْبَرَتْهُ بِهذِهِ الأَحَادِيثِ الثَّلاثَةِ. قالَتْ زَيْنَبُ: دَخَلْتُ عَلَى أُمِّ حَبِيبَةَ حِينَ تُوُفِّيَ أَبُوهَا أَبُو سُفْيَانَ فَدَعَتْ بِطِيبٍ فيهِ صُفْرَةٌ خَلُوقٌ أَوْ غَيْرُهُ، فَدَهَنَتْ مِنْهُ جَارِيَةً ثُمَّ مَسَّتْ بِعَارِضَيْهَا ثُمَّ قالَتْ: وَاللَّهِ ما لِي بالطِّيبِ من حَاجَةٍ غَيْرَ أَنِّي سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «**لاَ يَحِلُّ لامْرَأَةٍ تُؤْمِنُ باللَّهِ وَالْيَوْمِ الآخِرِ أَنْ تُحِدَّ عَلَى مَيِّتٍ فَوْقَ ثَلاَثِ لَيَالٍ إلاَّ عَلَى زَوْجٍ أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا**». قالَتْ زَيْنَبُ: وَدَخَلْتُ عَلَى زَيْنَبَ بِنْتِ جَحْشٍ حِينَ تُوُفِّيَ أَخُوهَا، فَدَعَتْ بِطِيبٍ فَمَسَّتْ مِنْهُ، ثُمَّ قالَتْ: وَاللَّهِ مَا لِي بالطِّيبِ مِنْ

blessing and peace be upon him" having said from over the pulpit: "It is not lawful for a woman who believes in Allah and the last day to mourn for a dead person for more than three days except her husband, for whom she should mourn for four months and ten days.""

Zainab narrated: I heard my mother Umm Salamah saying that a woman came to The Messenger of Allah "Allah's blessing and peace be upon him" and said: "O Allah's Apostle! The husband of my daughter died and she is suffering from an eye disease, can she apply kohl to her eye?" The Messenger of Allah "Allah's blessing and peace be upon him" replied: "No." (He said it) twice or thrice. (Whenever she repeated the question), he said: "No." Then The Messenger of Allah "Allah's blessing and peace be upon him" added: "(She should mourn for) just four months and ten days. In the Pre-Islamic Period of ignorance, a widow among you used to throw a globe of dung after a year had elapsed" (following her husband's death, to indicate that the one-year period of her mourning was over, and now that year has been reduced to only four months and ten days).

Humaid said: I asked Zainab: "What does "throwing a globe of dung after one year had elapsed" mean?" Zainab said: "When a lady was bereaved of her husband, she would live in a wretched small room, wear the worst clothes she had, and touch no perfume before one year had elapsed. Then she would bring an animal, e.g. a donkey, a sheep or a bird against which she would rub her body. The animal against which she would rub her body would hardly survive. Just at this time, she would come out of her room, whereupon she would be given a globe of dung, which she would throw away. Then she would use perfume or anything else she liked."

[44] Such As Whose Husband Dies Could Move (From The House Of Her Deceased Husband)

2300- It is narrated on the authority of Zainab Bint Ka'b Ibn Ujrah that Al-Furai'ah Bint Malik Ibn Sinan, the sister of Abu Sa'id Al-Khudri informed her that she went to the Messenger of Allah "Allah's blessing and peace be upon him" and asked for his permission to return to her people from among Banu Khudrah since her husband had gone out in search of some of his slaves who had fled away, and when he caught up with them near Al-Qudum (six miles from Medina) they killed him. She said: "I asked the Messenger of Allah "Allah's blessing and peace be upon him" if I could return to my people in Banu Khudrah, since my husband had not left me in an independent dwelling owned by him, and had left for me no maintenance. The Messenger of Allah "Allah's blessing and peace be upon

حَاجَةٍ غَيْرَ أَنِّي سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ وَهُوَ عَلَى الْمِنْبَرِ: «**لاَ يَحِلُّ لامْرَأَةٍ تُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الآخِرِ أَنْ تُحِدَّ عَلَى مَيِّتٍ فَوْقَ ثَلاَثِ لَيَالٍ إلاَّ عَلَى زَوْجٍ أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا**» قَالَتْ زَيْنَبُ: وَسَمِعْتُ أُمِّي أُمَّ سَلَمَةَ تَقُولُ: جَاءَتِ امْرَأَةٌ إِلَى رَسُولِ اللَّهِ ﷺ فَقَالَتْ: يَا رَسُولَ اللَّهِ إِنَّ ابْنَتِي تُوُفِّي زَوْجُهَا عَنْهَا، وَقَدِ اشْتَكَتْ عَيْنُهَا أَفَنَكْحَلُهَا؟ فَقَالَ رَسُولُ اللَّهِ ﷺ: «**لا**» مَرَّتَينِ أَوْ ثلاثًا، كُلُّ ذَلِكَ يَقُولُ: «**لاَ**»، ثُمَّ قَالَ رَسُولُ اللَّهِ ﷺ: «**إِنَّمَا هِيَ أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا، وَقَدْ كَانَتْ إِحْدَاكُنَّ فِي الْجَاهِلِيَّةِ تَرْمِي بِالْبَعْرَةِ عَلَى رَأْسِ الْحَوْلِ**».

قَالَ حُمَيْدٌ: فَقُلْتُ لِزَيْنَبَ: وَمَا تَرْمِي بِالْبَعْرَةِ عَلَى رَأْسِ الْحَوْلِ؟ فقالتْ زَيْنَبُ: كَانَتِ الْمَرْأَةُ إِذَا تُوُفِّيَ عَنْهَا زَوْجُهَا دَخَلَتْ حِفْشًا وَلَبِستْ شَرَّ ثِيَابِهَا وَلَمْ تَمَسَّ طِيبًا وَلاَ شَيْئًا حَتَّى تَمُرَّ بها سَنَةٌ ثُمَّ تُؤتَى بِدَابَّةٍ حِمَارٍ أَوْ شَاةٍ أَوْ طَائِرٍ فَتَفْتَضُّ بِهِ فَقَلَّمَا تَفْتَضُّ بِشَيْءٍ إلاَّ مات، ثُمَّ تخْرُجُ فَتُعْطَى بَعْرَةً فَتَرْمِي بِهَا، ثُمَّ تُرَاجِعُ بَعْدُ ما شَاءَتْ مِنْ طِيبٍ أَوْ غَيْرِهِ.

قال أَبُو دَاوُدَ: الْحِفْشُ بَيْتٌ صَغِيرٌ.

[ت44/م42، 44] ـ باب في المُتَوفَّى عنها تَنْتَقِل

2300 ـ حدّثنا عَبْدُ اللَّهِ بنُ مَسْلَمَةَ الْقَعْنَبِيُّ، عنْ مَالِكٍ، عنْ سَعْدِ بنِ إِسْحَاقَ بنِ كَعْبِ بنِ عُجْرَةَ، عن عَمَّتِهِ زَيْنَبَ بِنْتِ كَعْبِ بن عُجْرَةَ: «أَنَّ الْفُرَيْعَةَ بِنْتَ مَالِكِ بن سِنَانٍ وَهِيَ أُخْتُ أَبِي سَعِيدٍ الْخُدْرِيِّ «أَخْبَرَتْهَا أَنَّهَا جَاءَتْ إِلَى رَسُولِ اللَّهِ ﷺ تَسْأَلُهُ أَنْ تَرْجعَ إِلَى أَهْلِهَا في بَنِي خُدْرَةَ، فَإِنَّ زَوْجَهَا خَرَجَ في طَلَبِ أَعْبُدٍ لَهُ أَبَقُوا حَتَّى إذَا كَانُوا بِطَرَفِ الْقَدُومِ لَحِقَهُمْ فَقَتَلُوهُ، فَسَأَلْتُ رَسُولَ اللَّهِ ﷺ أَنْ أَرْجِعَ إِلَى أَهْلِي فَإِنِّي لم يَتْرُكْنِي في مَسْكَنٍ يَمْلِكُهُ وَلاَ نَفَقَةٍ. قالَتْ: فَقَالَ رَسُولُ اللَّهِ ﷺ: «**نَعَمْ**». قالَتْ: فَخَرَجْتُ

him" said: "Yes." So I left. When I was in the courtyard, the Messenger of Allah "Allah's blessing and peace be upon him" called me or sent someone to call me to him, and I answered him. He said: "What did you say?" I related to him the story of my husband once again. Upon this he said: "Stay in your house until the term (of Iddat) is fulfilled." I fulfilled the Iddat of four months and ten days in the house. When Uthman Ibn Affan sent for me, I told him that, which he followed and acted upon in his judgements.

[45] What About The Opinion That She Could Move?

2301- It is narrated on the authority of Ata' from Ibn Abbas that he said: "This statement ("but if they leave (the residence), there is no blame on you for what they do with themselves") abrogated her (the widow's) dwelling in the house of her late husband, and she could complete the Iddat wherever she likes, as Allah's Statement "Without turning them out..."tells." Ata' said: "If she wished she could stay (in her husband's home) according to the will, and she could leave it if she wished, as Allah says: "without turning them out."" Ata said: "Later the regulations of inheritance came and abrogated the order of the dwelling of the widow (in the house of her dead husband), so she could complete the Iddat wherever she likes. And it was no longer necessary to provide her with a residence."

[46] What Should Such As Is Spending The Prescribed Period Of Iddat Avoid?

2302- It is narrated on the authority of Um Atiyyah that she said: The Prophet "Allah's blessing and peace be upon him" said: "It is not lawful for a lady who believes in Allah and the Last Day, to mourn for more than three days for a dead person, except for her husband, in which case she should mourn for four months and ten days, during which she should neither wear dyed clothes, except a garment of Asb (special clothes made in Yemen), (nor apply dye) nor put kohl in her eyes, nor perfume herself, except when she becomes clean from her menses whereupon she can use Qust, and Azfar (two kinds of incense)."

2303- The same is narrated on the authority of Umm Atiyyah from the Messenger of Allah "Allah's blessing and peace be upon him", with a slight variation of wording.

2304- It is narrated on the authority of Safiyyah Bint Shaibah from Umm Salamah, the wife of the Messenger of Allah "Allah's blessing and peace be upon him", that the Messenger of Allah "Allah's blessing and peace be upon him" said: "Let such as whose husband dies wear no garment dyed

حتى إِذَا كُنْتُ في الْحُجْرَةِ أَوْ في المَسْجِدِ دَعَانِي أَوْ أَمَر بِي فَدُعِيتُ لَهُ، فقال: «**كَيْفَ قُلْتِ؟**» فَرَدَدْتُ عَلَيْهِ الْقِصَّةَ الَّتِي ذَكَرْتُ مِنْ شَأْنِ زَوْجِي، قالَتْ: فَقالَ: «**امْكُثِي في بَيْتِكِ حتى يَبْلُغَ الْكِتَابُ أَجَلَهُ**». قالَتْ: فاعْتَدَدْتُ فِيهِ أَرْبَعَةَ أَشْهُرٍ وعَشْرًا. قالَتْ: فَلَمَّا كَانَ عُثْمَانُ بنُ عَفَّانَ أَرْسَلَ إِلَيَّ فَسَأَلَني عن ذَلِكَ فَأَخْبَرْتُه فاتَّبَعَهُ وَقَضَى به».

قال أَبُو دَاوُدَ: الفارعة والفريعة.

[ت45/م43 ، 45] ـ باب مَنْ رأى التَّحول

2301 ـ حدّثنا أَحْمَدُ بنُ مُحَمَّدٍ المَرْوَزِيُّ: حدَّثنا مُوسَى بنُ مَسْعُودٍ: حدَّثنا شِبْلٌ، عن ابن أبي نَجِيحٍ قالَ: قالَ عَطَاءٌ: قالَ ابنُ عَبَّاسٍ: «نَسَخَتْ هَذِهِ الآيَةُ عِدَّتَها عِنْدَ أَهْلِها فَتَعْتَدُّ حَيْثُ شاءَتْ وَهُوَ قَوْلُ اللَّهِ عَزَّ وَجلَّ: ﴿غَيْرَ إِخْرَاجٍ﴾ قالَ عَطَاءٌ: إِنْ شَاءَتِ اعْتَدَّتْ عِنْدَ أَهْلِهِ وَسَكَنَتْ في وَصِيَّتها، وَإِنْ شَاءَتْ خَرَجَتْ لِقَوْلِ اللَّهِ عَزَّ وَجلَّ: ﴿فَإِنْ خَرَجْنَ فَلَا جُنَاحَ عَلَيْكُمْ فِي مَا فَعَلْنَ﴾ [البقرة: 240] قالَ عَطاءٌ: ثُمَّ جاءَ المِيراثُ فَنَسَخَ السُّكْنَى تَعْتَدُّ حَيْثُ شاءَتْ».

[ت46/م44 ، 46] ـ باب فيما تَجْتَنِب المُعْتَدة في عِدَّتها

2302 ـ حدّثنا يَعْقُوبُ بنُ إبراهِيمَ الدَّوْرَقِيُّ: حدَّثنا يَحْيَى بنُ أبي بكيرٍ: حدَّثنا إِبراهِيمُ بنُ طَهْمانَ: حَدَّثَني هِشَامُ بنُ حَسَّانَ. (ح) وحدَّثنا عَبْدُ اللَّهِ بنُ الْجَرَّاحِ الْقُهِسْتَانيُّ، عن عَبْدِ اللَّهِ ـ يَعْني ابنَ بَكْرٍ السَّهْمِيَّ ـ، عنْ هِشَامٍ، وَهَذَا لَفْظُ ابنِ الْجَرَّاحِ ـ عن حَفْصَةَ، عنْ أُمِّ عَطِيَّةَ أَنَّ النَّبيَّ ﷺ قال: «**لاَ تُحِدُّ المَرْأَةُ فَوْقَ ثَلاَثٍ إلاَّ عَلَى زَوْجٍ، فَإِنَّهَا تُحِدُّ عَلَيْهِ أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا، وَلاَ تَلْبَسُ ثَوْبًا مَصْبُوغًا إلاَّ ثَوْبَ عَصْبٍ وَلاَ تَكْتَحِلُ وَلاَ تَمَسُّ طِيبًا إلاَّ أَدْنى طُهْرَتِهَا إِذَا طَهُرَتْ مِنْ مَحِيضِهَا بِنُبْذَةٍ مِنْ قُسْطٍ أَوْ أَظْفَارٍ**». قالَ يَعْقُوبُ مَكَانَ عَصْبٍ: إلاَّ مَغْسُولاً. وَزَادَ يَعْقُوبُ: «**وَلاَ تَخْتَضِبُ**».

2303 ـ حدّثنا هارُونُ بنُ عَبْدِ اللَّهِ وَمالِكُ بنُ عَبْدِ الْوَاحِدِ المِسْمَعِيُّ قالا: حدَّثنا يَزِيدُ بنُ هارُونَ، عنْ هِشَامٍ، عنْ حَفْصَةَ، عنْ أُمِّ عَطِيَّةَ، عن النَّبيِّ ﷺ بِهَذَا الْحَدِيثِ، ولَيْسَ في تَمَام حَدِيثِهِمَا. قالَ المِسْمَعِيُّ: قالَ يَزِيدُ: وَلاَ أَعْلَمُهُ إلاَّ فِيهِ وَلاَ تَخْتَضِبُ. وَزَادَ فِيهِ هارُونُ: «**وَلا تَلْبَسُ ثَوْبًا مَصْبُوغًا إلاَّ ثَوْبَ عَصْبٍ**».

2304 ـ حدّثنا زُهَيْرُ بنُ حَرْبٍ: حدَّثنا يَحْيَى بنُ أبي بُكَيْرٍ: حدَّثنا إِبراهِيمُ بنُ طَهْمَانَ: حَدَّثَني بُدَيْلٌ، عنْ الْحَسَنِ بنِ مُسْلِمٍ، عنْ صَفِيَّةَ بِنْتِ شَيْبَةَ، عنْ أُمِّ سَلَمَةَ زَوْجِ النَّبيِّ ﷺ، عن النَّبيِّ ﷺ أنَّه قال: «**المُتَوَفَّى عَنْهَا زَوْجُهَا لاَ تَلْبَسُ المُعَصْفَرَ**

with saffron, nor with red pigment nor the ornaments, and let her apply no dye nor kohl."

2305- It is narrated on the authority of Umm Hakim Bint Usaid from her mother that her husband died, and she was suffering from an eye disease, for which she used to apply the antimony. She sent a freed slave-girl belonging to her to Umm Salamah, to ask her about the antimony, who said: "Do not apply it (to your eyes) unless there is severe necessity, which you could not endure: only in this case apply it at night, and wipe it off (your eyes) by day." She further said: "When Abu Salamah died and the Messenger of Allah "Allah's blessing and peace be upon him" came to visit me, and I was putting aloes on my eyes, he asked: "What is that Umm Salamah?" I said: "It is but aloes O Messenger of Allah, in which there is no perfume." He said: "Indeed, it beautifies the face. So, do not put it except at night, and you should wipe it (off your face) by day. On the other hand, do not comb your head with the help of perfume nor henna, for it is a kind of dye." I asked: "With the help of which should I comb my head O Messenger of Allah?" he said: "Use the infused leaves of lot-tree, therewith you might cover your head.""'

[47] The Pregnant's Prescribed Period Of Iddat

2306- It is narrated on the authority of Ubaidullah Ibn Abdullah Ibn Utbah that his father had written to Umar Ibn Abdullah Ibn Arqam Az-Zuhri, ordering him to go to Subai'ah Bint Al-Harith Al-Aslamiyyah in order that he might ask her about her story, and what The Messenger of Allah "Allah's blessing and peace be upon him" said to her when she went to him to take his opinion (regarding her marriage after she had given birth to her child, knowing that her husband had died during her pregnancy). Umar Ibn Abdullah Ibn Arqam replied: Subai'ah Bint Al-Harith told that she was married to Sa'd Ibn Khawlah who was from the tribe of Banu Amr Ibn Lu'ai, and was one of those who attended the holy battle of Badr. He died while she was pregnant during The Farewell Hajj. Soon after his death, she gave birth to a child. When she completed the term of birth confinement (and became clean), she embellished herself for suitors. Abu As-Sanabil Ibn Ba'kak, a man from the tribe of Banu Abd Ad-Dar visited and said to her: "What is the matter! I see you dressed up for the people to demand you in marriage. Do you want to marry? By Allah, you are not allowed to marry before four months and ten days have elapsed (following your husband's death)." Subai'ah added: "When he (Abu As-Sanabil) said so, I put on my dress in the evening and went to The Messenger of Allah

مِنَ الثِّيَابِ، وَلاَ الْمُمَشَّقَةَ، وَلاَ الْحُلِيَّ وَلاَ تَخْتَضِبُ وَلاَ تَكْتَحِلُ».

2305 ـ حدّثنا أَحْمَدُ بنُ صالِحٍ: حدَّثنا ابنُ وَهْبٍ: أخبرني مَخْرَمَةُ، عن أبيهِ قالَ: سَمِعْتُ الْمُغِيرَةَ بنَ الضَّحَّاكِ يَقُولُ: أَخْبَرَتْنِي أُمُّ حَكِيمٍ بِنْتُ أَسِيدٍ عنْ أُمِّهَا أَنَّ زَوْجَها تُوُفِّيَ وَكَانَتْ تَشْتَكِي عَيْنَيْها فَتَكْتَحِلُ بِالْجِلاَءِ ـ قالَ أَحْمَدُ: الصَّوَابُ بِكُحْلِ الْجِلاَءِ، فَأَرْسَلَتْ مَوْلاَةً لَهَا إلى أُمِّ سَلَمَةَ فَسَأَلَتْهَا عن كُحْلِ الْجِلاَءِ فَقالَتْ: لاَ تَكْتَحِلِي بِهِ إلاَّ مِنْ أمْرٍ لا بُدَّ مِنْهُ يَشْتَدُّ عَلَيْكِ، فَتَكْتَحِلِينَ باللّيْلِ وَتَمْسَحِينَهُ بالنَّهَارِ ثُمَّ قالتْ عِنْدَ ذَلِكَ أُمُّ سَلَمَةَ: دَخَلَ عَلَيَّ رَسُولُ اللَّهِ ﷺ حِينَ تُوُفِّيَ أَبُو سَلَمَةَ وَقَدْ جَعَلْتُ عَلَى عَيْنِي صَبِرًا فقالَ: «**مَا هَذَا يَا أُمَّ سَلَمَةَ؟**» فَقُلْتُ: إنَّمَا هُوَ صَبِرٌ يَا رَسُولَ اللَّهِ لَيْسَ فِيهِ طِيبٌ. قالَ: «**إنَّهُ يَشُبُّ الْوَجْهُ فَلاَ تَجْعَلِيهِ إلاَّ باللَّيْلِ وَتَنْزِعِيهِ بالنَّهَارِ، وَلاَ تَمْتَشِطِي بالطِّيبِ وَلا بالحِنَّاء فَإِنَّهُ خِضَابٌ**». قَالَتْ: قُلْتُ: بأَيِّ شَيْءٍ أَمْتَشِطُ يَا رَسُولَ اللَّهِ؟ قالَ: «**بالسِّدْرِ تُغَلِّفِينَ بِهِ رَأْسَكِ**».

[ت47/م45، 47] ـ باب في عِدَّة الحامل

2306 ـ حدّثنا سُلَيْمَانُ بنُ دَاوُدَ الْمَهْرِيُّ: أخبرنا ابنُ وَهْبٍ: أخبرني يُونُسُ، عن ابن شِهَابٍ: حَدَّثني عُبَيْدُ اللَّهِ بنُ عَبْدِ اللَّهِ بنِ عُتْبَةَ: «أَنَّ أَبَاهُ كَتَبَ إلَى عُمَرَ بنِ عَبْدِ اللَّهِ بنِ الأرْقَمِ الزُّهْرِيِّ يَأْمُرُهُ أَنْ يَدْخُلَ عَلَى سُبَيْعَةَ بِنْتِ الْحَارِثِ الأَسْلَمِيَّةِ فَيَسْأَلَهَا عنْ حَدِيثِهَا، وَعَمَّا قالَ لَها رَسُولُ اللَّهِ ﷺ حينَ اسْتَفْتَتْهُ، فَكَتَبَ عُمَرُ بنُ عَبْدِ اللَّهِ إلَى عَبْدِ اللَّهِ بنِ عُتْبَةَ يُخْبِرُهُ أَنَّ سُبَيْعَةَ أَخْبَرَتْهُ أَنَّهَا كانتْ تَحتَ سَعْدِ بنِ خَوْلَةَ وَهُوَ مِنْ بَنِي عَامِرِ بن لُؤَيٍّ، وَهُوَ مِمَّنْ شَهِدَ بَدْرًا، فَتُوُفِّيَ عَنْهَا في حَجَّةِ الْوَدَاعِ وَهِيَ حَامِلٌ فَلَمْ تَنْشَبْ أَنْ وَضَعَتْ حَمْلَهَا بَعْدَ وَفَاتِهِ، فَلَمَّا تَعَلَّتْ مِنْ نِفَاسِهَا تَجَمَّلَتْ لِلْخُطَّابِ، فَدَخَلَ عَلَيْهَا أَبُو السَّنَابِلِ بنُ بَعْكَكَ ـ رَجُلٌ مِنْ بَنِي عَبْدِ الدَّارِ ـ فقالَ لَهَا: مَا لِي أَرَاكِ مُتَجَمِّلَةً، لَعَلَّكِ تَرْتَجِينَ النِّكَاحَ، إنَّكِ وَاللَّهِ ما أَنْتِ بِنَاكِحٍ حَتَّى تَمُرَّ عَلَيْكِ أربعةُ أشْهُرٍ وَعَشْرٌ. قالَتْ سُبَيْعَةُ: فلمَّا قالَ لِي ذَلِكَ جَمَعْتُ عَلَيَّ ثِيَابِي حِينَ أَمْسَيْتُ،

"Allah's blessing and peace be upon him" whom I asked about this matter. He gave the verdict that I was free to marry since I gave birth to my child; and ordered me to marry if I wished." Ibn Shihab said: I think there is no harm for her to marry when she has given birth to a child even when she is bleeding (after the childbirth) provided that her husband should not approach her until she gets clean.

2307- It is narrated on the authority of Abdullah Ibn Mas'ud that he said: By Allah! If anyone likes, let him come to take part in the operation of sending (Allah's) Curses (upon such as gives lie to the fact that the) smaller (Surah pertaining to) Women (in which Allah says: "for those who carry (life within their wombs), their period is until they deliver their burdens" (At-Talaq 4)) was revealed after (Allah's saying): "If any of you die and leave widows behind, they shall wait concerning themselves four months and ten days" (Al-Baqarah 234)

[48] The Prescribed Term Of The Child's Mother

(a slave-girl who gives birth to a child from her master therewith she should become free)

2308- It is narrated on the authority of Amr Ibn Al-As that he said: Do not spoil the sunnah of our Prophet Muhammad "Allah's blessing and peace be upon him" for us: the (term of) Iddat of the (slave-girl who gives birth to a child from her master and thus becomes) a child's mother whose master dies is of four months and ten days.

[49] The Irrevocably Divorced Woman Never Has Her Husband Return To Her Until She Gets Married To Another Husband

2309- It is narrated on the authority of A'ishah that she said: The Messenger of Allah "Allah's blessing and peace be upon him" was asked about a woman who was irrevocably divorced and she got married to another husband, who consummated marriage with her, and then divorced her but without having sexual relation with her: Is it lawful for her to return to her former husband? The Messenger of Allah "Allah's blessing and peace be upon him" said: "No, it is unlawful for her to return to her former husband until she taste the sweetness of (the sexual relation with) her latter husband, and he tastes the sweetness of (sexual relation with) her" (i.e. until she has full sexual relation with her latter husband).

[50] The Severe Punishment Of Committing Fornication

2310- It is narrated on the authority of Abdullah that he said: I asked The Prophet "Allah's blessing and peace be upon him": "What is the greatest sin

فأَتَيْتُ رَسُولَ اللَّهِ ﷺ فَسأَلْتُهُ عن ذَلِكَ فَأَفْتَانِي بأنْ قَدْ حَلَلْتُ حِينَ وَضَعْتُ حَمْلِي، وَأَمَرَني بالتَّزْوِيجِ إنْ بَدَا لِي».

قال ابنُ شِهَابٍ: وَلا أرَى بَأْسًا أنْ تَتَزَوَّجَ حِينَ وَضَعَتْ وَإنْ كَانَتْ في دَمِهَا، غَيْرَ أنَّهُ لا يَقْرَبُهَا زَوْجُهَا حَتَّى تَطْهُرَ.

2307 ـ حدّثنا عُثْمَانُ بنُ أبي شَيْبَةَ، (ح). وَمُحَمَّدُ بنُ الْعَلاَءِ قال عثمان: حدثنا. وقال ابنُ الْعَلاَءِ: أخبرنا أَبُو مُعَاوِيَةَ: حدَّثنا الأعمَشُ، عن مُسْلِمٍ، عن مَسْرُوقٍ، عن عَبْدِ اللَّهِ قالَ: «مَنْ شَاءَ لاَعَنْتُهُ لأُنْزِلَتْ سُورَةُ النِّسَاءِ الْقُصْرَى بَعْدَ الأرْبَعَةِ الأشْهُرِ وَعَشْرٍ».

[ت48/م46 ، 48] ـ باب في عِدَّة أُمِّ الولد

2308 ـ حدّثنا قُتَيْبَةُ بنُ سَعِيدٍ، أنَّ مَحَمَّدَ بنَ جَعْفَرٍ حَدَّثَهُمْ. (ح)، وَحدثنا ابنُ المُثَنَّى: حدَّثنا عَبْدُ الأعْلَى، عن سَعِيدٍ، عن مَطَرٍ، عن رَجَاءِ بنِ حَيْوَةَ، عن قَبِيصَةَ بنِ ذُؤَيْبٍ، عن عَمْرِو بنِ الْعَاصِ قال: «لا تُلَبِّسُوا عَلَيْنَا السُّنَّةَ ـ قال ابنُ المُثَنَّى: سُنَّةَ نَبِيِّنَا ﷺ ـ عِدَّةُ المُتَوَفَّى عَنْهَا أرْبَعَةُ أشْهُرٍ وَعَشْرٌ» يَعني أُمَّ الْوَلَدِ.

[ت49/م47، 49] ـ باب في المبتوتة لا يرجع إليها زوجها حتى تَنْكِح زوجًا غيره

2309 ـ حدّثنا مُسَدَّدٌ: حدَّثنا أبُو مُعَاوِيَةَ، عن الأعمَشِ، عن إبراهِيمَ، عن الأسْوَدِ، عن عَائِشَةَ قالَتْ: سُئِلَ رَسُولُ اللَّهِ ﷺ عن رَجُلٍ طَلَّقَ امْرَأَتَهُ ـ يَعني ثلاثًا ـ فَتَزَوَّجَتْ زَوْجًا غَيْرَهُ فَدَخَلَ بِهَا ثُمَّ طَلَّقَهَا قَبْلَ أنْ يُوَاقِعَهَا، أَتَحِلُّ لِزَوْجِهَا الأوَّلِ؟ قالَتْ: قال النَّبيُّ ﷺ: **«لا تَحِلُّ لِلأوَّلِ حَتَّى تَذُوقَ عُسَيْلَةَ الآخرِ وَيَذُوقَ عُسَيْلَتَهَا»**.

[ت50/م48 ، 50] ـ باب في تَعْظِيم الزِّنا

2310 ـ حدّثنا مُحَمَّدُ بنُ كَثِيرٍ: أخبرنا سُفْيَانُ، عن مَنْصُورٍ، عن أبي وَائِلٍ، عن عَمْرِو بن شُرَحْبِيلَ، عن عَبْدِ اللَّهِ قال: «قُلْتُ: يَا رَسُولَ اللَّهِ أيُّ الذَّنْبِ

in the Sight of Allah?" He said: "That you set up a rival unto Allah though He Alone created you." I said: "That is indeed a great sin." Then I asked: "What is next?" He said: "To kill your son lest he should share your food with you." I asked: "What is next?" He said: "To commit adultery with the wife of your neighbour." Allah Almighty revealed, in confirmation of the statement of His Messenger: “Those who invoke not, with Allah, any other god, nor slay such life as Allah has made sacred, except for just cause, nor commit fornication, and any that does this (not only) meets punishment.” (Al-Furqan 68)

2311- It is narrated on the authority of Jabir that he said: Musaikah, a maid belonging to one of the Ansar came (to the Messenger of Allah “Allah’s blessing and peace be upon him”), and said: “My master compels me to commit prostitution.” It is upon this that this verse was revealed: " But force not your maids to prostitution when they desire chastity, in order that you may make a gain in the goods of this life. But if anyone compels them, yet, after such compulsion, is Allah Oft-Forgiving, Most Merciful (to them)." (An-Nur 33)

2312- It is narrated on the authority of Mu’tamir concerning Allah’s statement: “But force not your maids to prostitution when they desire chastity, in order that you may make a gain in the goods of this life. But if anyone compels them, yet, after such compulsion, is Allah Oft-Forgiving, Most Merciful (to them)” i.e. to such maids as forced to practice prostitution.

أعْظَمُ؟ قال: «**أنْ تَجْعَلَ للَّهِ نِدًّا وَهُوَ خَلَقَكَ**». قال: فَقُلْتُ: ثُمَّ أيٌّ؟ قال: «**أنْ تَقْتُلَ وَلَدَكَ مَخَافَةَ أنْ يَأْكُلَ مَعَكَ**». قال: قلت: ثُمَّ أيٌّ؟ قال: «**أنْ تُزَانِيَ حَلِيلَةَ جَارِكَ**». قال: وَأنْزلَ اللَّهُ تَصْدِيقَ قَوْلِ النَّبيِّ ﷺ: ﴿وَٱلَّذِينَ لَا يَدْعُونَ مَعَ ٱللَّهِ إِلَٰهًا ءَاخَرَ وَلَا يَقْتُلُونَ ٱلنَّفْسَ ٱلَّتِي حَرَّمَ ٱللَّهُ إِلَّا بِٱلْحَقِّ وَلَا يَزْنُونَ﴾ [الفرقان: 68] الآية».

2311 ـ حدّثنا أَحْمَدُ بنُ إبراهِيمَ، عن حَجَّاجٍ، عن ابن جُرَيْجٍ قال: وَأخبرني أبُو الزُّبَيْرِ أنَّهُ سَمِعَ جَابِرَ بنَ عَبْدِ اللَّهِ يقُولُ: «جَاءَتْ مُسَيْكَةُ لِبَعْضِ الأنْصَارِ فقالَتْ: إن سَيِّدِي يُكْرِهُنِي عَلَى الْبِغَاءِ، فَنَزَلَ في ذَلِكَ: ﴿وَلَا تُكْرِهُوا۟ فَتَيَٰتِكُمْ عَلَى ٱلْبِغَآءِ﴾» [النور: 33].

2312 ـ حدّثنا عُبَيْدُ اللَّهِ بنُ مُعَاذٍ: حدَّثنا مُعْتَمِرٌ، عن أبيهِ: ﴿وَمَن يُكْرِههُّنَّ فَإِنَّ ٱللَّهَ مِنۢ بَعْدِ إِكْرَٰهِهِنَّ غَفُورٌ رَّحِيمٌ ۝٣٣﴾ [النور: 33] قال: قال سَعِيدُ بنُ أبي الْحَسَنِ: غَفُورٌ لَهُنَّ الْمُكْرَهَاتِ.

(8/14) THE BOOK OF FASTING

Allah Almighty says: "O you who believe! Fasting is prescribed to you as it was prescribed to those before you, that you may (learn) self-restraint." (Al-Baqarah 183)

[1] The Principle Of The Enjoinment Of Fasting

2313- It is narrated on the authority of Ibn Abbas that he said: It was the habit that whenever the Muslims offered Isha prayer (during the month of Ramadan), eating, drinking and having sexual relations became unlawful to them until the evening of the coming day. A man betrayed himself and had sexual relation with his wife after he had offered the Isha prayer and did not break his fast (on the coming day). On that Allah Almighty made it easy and concession and benefit for the remaining ones. He revealed: "Allah knows what you used to do secretly among yourselves; but He turned to you and forgave you; so now associate with them." This was something therewith Allah benefited the people, and gave them concession and made it easy for them.

2314- It is narrated on the authority of Al-Bara' that he said: It was the custom that if a man was fasting and (the food was presented to him for breaking his fast but) he slept before eating, he would not eat that night and the following day till sunset. Qais Ibn Sirmah Al-Ansari was fasting. He came to his wife at the time of breaking fast and asked her whether she had anything to eat. She replied: "No, but I would go and bring some for you." She went (in search of food for him)and he was overwhelmed by sleep. When his wife came and saw him, she said: "Disappointment be for you." When it was midday on the following day, he fainted, and he used to work the whole day in his field. The Prophet "Allah's blessing and peace be upon him" was informed about the whole matter. The following verse was revealed: " Permitted to you, on the night of the fast, is the approach to your wives. They are your garments and you are their garments...and eat and drink, until the white thread of dawn appears to you distinct from its black thread."

[2] The Abrogation Of Allah's Statement: "For Those Who Can Do It (With Hardship), Is A Ransom"

2315- It is narrated on the authority of Salamah Ibn Al-Akwa: When Allah sent down: "For those who can do it (with hardship), is a ransom, the feeding of one that is indigent", anyone of us who wanted to leave fasting would offer a ransom of feeding an indigent, until the Verse succeeding to it was revealed, and thus, it abrogated it.

[14/8] ـ كتابُ الصَّوْم

[ت1/م1] ـ باب مبدأ فرض الصيام

2313 ـ حدّثنا أَحْمَدُ بنُ مُحمَّدِ بنِ شَبُّويْهِ: حَدَّثَني عَلِيُّ بنُ حُسَيْنِ بن وَاقِدٍ، عن أبيهِ، عن يَزِيدَ النَّحْوِيِّ، عن عِكْرِمَةَ، عن ابنِ عَبَّاسٍ: «﴿يَٰٓأَيُّهَا ٱلَّذِينَ ءَامَنُواْ كُتِبَ عَلَيۡكُمُ ٱلصِّيَامُ كَمَا كُتِبَ عَلَى ٱلَّذِينَ مِن قَبۡلِكُمۡ﴾ [البقرة: 183] قال: فَكَانَ النَّاسُ عَلَى عَهْدِ النَّبيِّ ﷺ إذَا صَلُّوا الْعَتَمَةَ حَرُمَ عَلَيْهِمُ الطَّعَامُ وَالشَّرَابُ وَالنِّسَاءُ وَصَامُوا إلى الْقَابِلَةِ، فَاخْتَانَ رَجُلٌ نَفْسَهُ فَجَامَعَ امْرَأَتَهُ وَقَدْ صَلَّى الْعِشَاءَ وَلم يُفْطِرْ، فَأَرَادَ اللَّهُ عَزَّ وَجَلَّ أنْ يَجْعَلَ ذَلِكَ يُسْرًا لِمَنْ بَقِيَ وَرُخْصَةً وَمَنْفَعَةً، فقال سُبْحَانَهُ: ﴿عَلِمَ ٱللَّهُ أَنَّكُمۡ كُنتُمۡ تَخۡتَانُونَ أَنفُسَكُمۡ﴾ [البقرة: 187] الآية. وكَانَ هَذَا مِمَّا نَفَعَ اللَّهُ بِهِ النَّاسَ وَرَخَّصَ لَهُمْ وَيَسَّرَ».

2314 ـ حدّثنا نَصْرُ بنُ عَلِيِّ بنِ نَصْرٍ الْجَهْضَمِيُّ: أخبرنا أَبُو أَحْمَدَ: أخبرنا إِسْرَائِيلُ، عن أبي إِسْحَاقَ، عن الْبَرَاءِ قال: «كَانَ الرَّجلُ إذا صَامَ فَنَامَ لم يَأْكُلْ إلى مِثْلِهَا، وَإِنَّ صِرْمَةَ بنَ قَيْسٍ الأَنْصَارِيَّ أَتَى امْرَأَتَهُ وكَانَ صَائِمًا فقال: عِنْدَكِ شَيْءٌ؟ قالَتْ: لاَ، لَعَلِّي أَذْهَبُ فأَطْلُبُ لَكَ شَيْئًا فَذَهَبَتْ وَغَلَبَتْهُ عَيْنُهُ فَجَاءَتْ فقالَتْ: خَيْبَةٌ لَكَ، فلَمْ يَنْتَصِفِ النَّهارُ حتَّى غُشِيَ عَلَيْهِ، وكَانَ يَعْمَلُ يَوْمَهُ في أَرْضِهِ، فَذُكِرَ ذَلِكَ للنَّبيِّ ﷺ فَنَزَلَتْ: ﴿أُحِلَّ لَكُمۡ لَيۡلَةَ ٱلصِّيَامِ ٱلرَّفَثُ إِلَىٰ نِسَآئِكُمۡۚ﴾ [البقرة: 187] ـ قَرَأَ إِلَى قَوْلِهِ ـ ﴿مِنَ ٱلۡفَجۡرِۖ﴾».

[ت2/م2] ـ بابُ نَسْخ قوله تعالى: ﴿وَعَلَى ٱلَّذِينَ يُطِيقُونَهُۥ فِدۡيَةٞ﴾ [البقرة: 184]

2315 ـ حدّثنا قُتَيْبَةُ بنُ سَعِيدٍ: حدَّثنا بَكْرٌ ـ يَعني ابن مُضَرَ ـ، عنْ عَمْرِو بن الْحَارِثِ، عنْ بكَيرٍ، عنْ يَزِيدَ مَوْلَى سَلَمَةَ بن الأَكْوَعِ قالَ: «لَمَّا نزَلَتْ هَذِهِ الآيَةُ: ﴿وَعَلَى ٱلَّذِينَ يُطِيقُونَهُۥ فِدۡيَةٞ طَعَامُ مِسۡكِينٖۖ﴾ [البقرة: 184] كان من أراد منا أن يُفْطِرَ وَيَفْتَدِي فَعَلَ حَتَّى نَزَلَتِ الآيَةُ الَّتِي بَعْدَهَا فَنَسَخَتْهَا».

2316- It is narrated on the authority of Ibn Abbas: "For those who can do it (with hardship), is a ransom, the feeding of one that is indigent" means that whoever liked to fast could do so, and whoever liked to leave fasting could do so and feed an indigent, and (the reward of) fasting would be reckoned for him. Then Allah Almighty revealed: "But he that will give more, of his own free will, it is better for him. And it is better for you that you fast." (They remained as such until it was abrogated by His saying) "So every one of you who is present (at his home) during that month should spend it in fasting, but if any of you is ill, or on a journey, the prescribed number (should be made up) from days later."

[3] The Opinion That The Freedom Of Choice Here Is Affirmed For The Old (Man Or Woman) And The Pregnant

2317- It is narrated on the authority of Ibn Abbas that he said: It is affirmed for the pregnant and suckling woman. (i.e. Allah's statement: "For those who can do it (with hardship), is a ransom, the feeding of one that is indigent.")

2318- It is narrated on the authority of Ibn Abbas that he said, pertaining to Allah's saying: "For those who can do it (with hardship), is a ransom, the feeding of one that is indigent": It is a concession made to the old man and old woman who have no strength to fast, so they should feed a poor person for each day (instead of fasting), in addition to the pregnant and suckling woman in case they fear (fasting might cause harm to their children: in this case, they should leave fasting and feed indigent persons).

[4] The (Lunar) Month Might Consist Of Twenty-Nine (Days)

2319- It is narrated on the authority of Ibn Umar that the Messenger of Allah "Allah's blessing and peace be upon him" said: "We are unlettered nation, who depend neither on writing nor upon reckoning: the (lunar) month might be as such, as such, and as such (and Sulaiman folded one of his fingers in the third time)" i.e. (sometimes it might be) twenty-nine, and (sometimes it might be) thirty (days).

2320- It is narrated on the authority of Ibn Umar that The Messenger of Allah "Allah's blessing and peace be upon him" said: "The month might be twenty-nine days. So, do not observe fasts until you see the new moon (of Ramadan), and do not break fasting until you see the new moon (of Shawwal); and if it is cloudy (and you are obstructed to see it), then you should calculate thirty days for it." When Sha'ban happened to be twenty-nine days, Ibn Umar used to have the new moon of the month of Ramadan seen for him: if it was visible, he would

2316 ـ حدّثنا أَحْمَدُ بنُ مُحَمَّدٍ، قال: حدثني عَلِيُّ بنُ حُسَيْنٍ، عنْ أبيهِ، عنْ يَزِيدَ النَّحْوِيِّ، عنْ عِكْرِمَةَ، عن ابن عَبَّاسٍ: «﴿**وَعَلَى ٱلَّذِينَ يُطِيقُونَهُۥ فِدْيَةٌ طَعَامُ مِسْكِينٍ**﴾ فَكَانَ مَنْ شَاءَ مِنْهُمْ أَنْ يَفْتَدِي بِطَعَامِ مِسْكِينٍ افْتَدَى وَتَمَّ لَهُ صَوْمُهُ، فقال عَزَّ وَجَلَّ: ﴿**فَمَن تَطَوَّعَ خَيْرًا فَهُوَ خَيْرٌ لَّهُۥ وَأَن تَصُومُواْ خَيْرٌ لَّكُمْ**﴾ [البقرة: 184] وَقال: ﴿**فَمَن شَهِدَ مِنكُمُ ٱلشَّهْرَ فَلْيَصُمْهُ وَمَن كَانَ مَرِيضًا أَوْ عَلَىٰ سَفَرٍ فَعِدَّةٌ مِّنْ أَيَّامٍ أُخَرَ**﴾» [البقرة: 185].

[ت3/م3] ـ باب مَنْ قال: هي مثبتة للشيخ والحُبْلَى

2317 ـ حدّثنا مُوسَى بنُ إِسْمَاعِيلَ: حدَّثنا أَبَانُ: حدَّثنا قَتَادَةُ، أنَّ عِكْرِمَةَ حَدَّثَهُ أنَّ ابنَ عَبَّاسٍ قال: «أُثْبِتَتْ لِلْحُبْلَى وَالمُرْضِعِ».

2318 ـ حدّثنا ابنُ المُثَنَّى: حدَّثنا ابنُ أبي عَدِيٍّ، عنْ سَعِيدٍ، عنْ قَتَادَةَ، عن عَزْرَةَ، عنْ سَعِيدِ بنِ جُبَيْرٍ، عن ابن عَبَّاسٍ ﴿**وَعَلَى ٱلَّذِينَ يُطِيقُونَهُۥ فِدْيَةٌ طَعَامُ مِسْكِينٍ**﴾ قالَ: «كَانَتْ رُخْصَةً لِلشَّيْخِ الْكَبِيرِ وَالْمَرْأَةِ الْكَبِيرَةِ وَهُما يُطِيقَانِ الصِّيَامَ أنْ يُفْطِرا وَيُطْعِمَا مَكَانَ كلِّ يَوْمٍ مِسْكِينًا وَالْحُبْلَى وَالمُرْضِعِ إذَا خَافَتَا».

قال أَبُو دَاوُدَ: يَعني عَلَى أوْلاَدِهِما أفْطَرَتَا وَأطْعَمَتَا.

[ت4/م4] ـ باب الشهر يكون تسعًا وعشرين

2319 ـ حدّثنا سُلَيْمَانُ بنُ حَرْبٍ: حدَّثنا شُعْبَةُ، عن الأَسْوَدِ بنِ قَيْسٍ، عن سَعِيدِ بن عَمْرٍو، يَعْني ابنَ سَعِيدِ بن الْعَاصِ، عن ابن عُمَرَ قال: قال رَسُولُ اللَّهِ ﷺ: «**إنَّا أُمَّةٌ أُمِّيَّةٌ لاَ نَكْتُبُ وَلاَ نَحْسُبُ؛ الشَّهْرُ هَكَذَا وَهَكَذَا وَهَكَذَا**» وَخَنَسَ سُلَيْمَانُ إصْبَعَهُ في الثَّالِثَةِ يَعْني تِسْعًا وَعِشرِينَ وَثَلاَثِينَ».

2320 ـ حدّثنا سُلَيْمَانُ بنُ دَاوُدَ الْعَتَكِيُّ: حدَّثنا حَمَّادٌ: حدَّثنا أَيُّوبُ، عن نَافِعٍ، عن ابن عُمَرَ قال: قال رَسُولُ اللَّهِ ﷺ: «**الشَّهْرُ تِسْعٌ وَعِشْرُونَ فَلاَ تَصُومُوا حَتَّى تَرَوْهُ وَلاَ تُفْطِرُوا حَتَّى تَرَوْهُ. فَإنْ غُمَّ عَلَيْكُمْ فَاقْدُرُوا لَهُ ثَلاَثِينَ**».

قالَ: فَكَانَ ابنُ عُمَرَ إذَا كان شَعْبَانُ تِسْعًا وَعِشْرِينَ نُظِرَ لَهُ فَإن رُئِيَ فَذَاكَ وَإن

observe fast, and if it was not seen, even though it was not cloudy nor rainy, he would not fast in the coming morning, and if it was cloudy or rainy therewith they would be obstructed from seeing it, he would observe fast in the coming morning. In this way, Ibn Umar used to leave fasting with the people, and he did not rely on such a calculation.

2321- It is narrated on the authority of Ayyub that he said: Umar Ibn Abd Al-Aziz sent a letter to the people of Basrah in which he said: We were reported from the Messenger of Allah "Allah's blessing and peace be upon him"...and he mentioned a narration of Ibn Umar from the Messenger of Allah "Allah's blessing and peace be upon him", with the following addition: "And I'm the best to calculate for it: if we saw the new moon of Sha'ban on such and such (a day), the fasting would start on such and such (a day)" unless they saw the new moon before that.

2322- It is narrated on the authority of Abdullah Ibn Mas'ud that he said: While we were with the Messenger of Allah "Allah's blessing and peace be upon him", the twenty-nine-day (months of Ramadan that came upon us) which we fasted were more than the thirty-day (months) we fasted.

2323- It is narrated on the authority of Abd Ar-Rahman Ibn Abu Bakrah from his father that the Messenger of Allah "Allah's blessing and peace be upon him" said: "The two months of Id (more frequently) do not decrease (in the same year): Ramadan (after which there comes Id Al-Fitr) and Dhul-Hijjah(during which there comes Id Al-Adha)."

[5] When The People Prove Mistaking In Seeing The New Moon

2324- It is narrated on the authority of Abu Hurairah: The Messenger of Allah "Allah's blessing and peace be upon him" said: "(Id) Al-Fitr) is on the day of breaking your fasts(after the conclusion of the month of Ramadan); and (Id) Al-Adha is on the day of offering your sacrifice (i.e. the tenth of Dhul-Hijjah); the whole (area of) Arafah is fitting for a place of stay; and the whole (area of) Mina is fitting for a slaughtering place, and all the streets of Mecca are fitting for a slaughtering place, and the whole (area of) Muzdalifah is fitting for a place of stay."

[6] When It Is Cloudy And You Are Obstructed From Seeing The New Moon

2325- It is narrated on the authority of A'ishah that she said: The Messenger of Allah "Allah's blessing and peace be upon him" used to observe fasts in Sha'ban so much as he never did in any other month, and then he used to observe fast on seeing (the new moon of the month of) Ramadan; and when it was cloudy and he was obstructed from seeing the

لَمْ يُرَ وَلَمْ يَحُلْ دُون مَنْظَرِهِ سَحَابٌ وَلاَ قَتَرَةٌ أَصْبَحَ مُفْطِرًا، فَإِنْ حَالَ دُونَ مَنْظَرِهِ سَحَابٌ أَوْ قَتَرَةٌ أَصْبَحَ صَائِمًا. قال: فَكَانَ ابنُ عُمَرَ يُفْطِرُ مَعَ النَّاسِ وَلاَ يَأْخُذُ بِهَذَا الحِسَابِ.

2321 ـ حدّثنا حُمَيْدُ بنُ مَسْعَدَةَ: حدَّثنا عَبْدُ الْوَهَّابِ، قال: حدثني أيُّوبُ قال: كَتَبَ عُمَرُ بنُ عَبْدِ الْعَزِيزِ إِلَى أَهْلِ الْبَصْرَةِ بَلَغَنا عن رَسُولِ اللَّهِ ﷺ نَحْوَ حَدِيثِ ابنِ عُمَرَ عن النَّبيِّ ﷺ زَادَ: «**وَإِنَّ أَحْسَنَ ما يُقَدَّرُ لَهُ أَنَّا إِذَا رَأَيْنَا هِلاَلَ شَعْبَانَ لِكَذَا وَكَذَا فالصَّوْمُ إِنْ شَاءَ اللَّهُ لِكَذَا وَكَذَا إِلاَّ أَنْ يَرَوا الهِلاَلَ قَبْلَ ذَلِكَ**».

2322 ـ حدّثنا أَحْمَدُ بنُ مَنِيعٍ، عن ابن أبي زَائِدَةَ، عنْ عِيسَى بن دِينَارٍ، عنْ أبِيه، عنْ عَمْرِو بن الحَارِثِ بن أبي ضِرَارٍ، عن ابن مَسْعُودٍ قالَ: لَمَا صُمْنَا مَعَ النَّبيِّ ﷺ تِسْعًا وَعِشْرِينَ أَكْثَرُ مِمَّا صُمْنَا مَعَهُ ثَلاَثِينَ».

2323 ـ حدّثنا مُسَدَّدٌ أَنَّ يَزِيدَ بنَ زُرَيْعٍ حَدَّثَهُمْ: حدَّثنا خَالِدٌ الْحَذَّاءُ، عن عَبْدِ الرَّحْمَنِ بن أبي بَكْرَةَ، عن أَبِيهِ، عن النَّبيِّ ﷺ قال: «**شَهْرَا عِيدٍ لاَ يَنْقُصَانِ: رَمَضَانُ، وَذُو الْحِجَّةِ**».

[ت5/م5] ـ باب إذا أخطأ القومُ الهلال

2324 ـ حدّثنا مُحَمَّدُ بنُ عُبَيْدٍ: حدَّثنا حَمَّادٌ في حديثِ أَيُّوبَ، عن مُحَمَّدِ بن المُنْكَدِرِ، عنْ أَبي هُرَيْرَةَ ذَكَرَ النَّبيَّ ﷺ فيهِ قالَ: «**وَفِطْرُكُمْ يَوْمَ تُفْطِرُونَ، وَأَضْحَاكُمْ يَوْمَ تُضَحُّونَ، وَكُلُّ عَرَفَةَ مَوْقِفٌ، وَكُلُّ مِنًى مَنْحَرٌ، وَكُلُّ فِجَاجِ مَكَّةَ مَنْحَرٌ، وَكُلُّ جَمْعٍ مَوْقِفٌ**».

[ت6/م6] ـ باب إذا أُغْمِيَ الشهر

2325 ـ حدّثنا أَحْمَدُ بنُ حَنْبَلٍ: حدثني عَبْدُ الرَّحْمَنِ بنُ مَهْدِيٍّ: حدثني مُعَاوِيَةُ بنُ صَالِحٍ، عنْ عَبْدِ اللَّهِ بنِ أبي قَيْسٍ، قالَ: سَمِعْتُ عَائِشَةَ رضي اللَّهُ عنها تقُولُ: «كَانَ رَسُولُ اللَّهِ ﷺ يَتَحَفَّظُ مِنْ شَعْبَانَ ما لاَ يَتَحَفَّظُ مِنْ غَيْرِهِ، ثُمَّ

new moon, he would estimate (the month of Sha'ban as) thirty days, after which he would start fasting.

2326- It is narrated on the authority of Hudhaifah that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "Do not start (fasting) until you see the new moon (of Ramadan) or complete the number (of days to thirty in case it is cloudy and you fail to see it); and keep fasting until you see the new moon (of Shawwal) or complete the number (of days to thirty if you fail to see it)."

Abu Dawud says: This narration is transmitted on the authority of Mansur from Rib'i from a man belonging to the companions of the Messenger of Allah "Allah's blessing and peace be upon him", and no mention is made of Hudhaifah in name.

[7] The Opinion That "If It Is Cloudy And You Are Obstructed From Seeing The New Moon, Complete Thirty Fasts"

2327- It is narrated on the authority of Ibn Abbas that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "Do not fast a day or two days ahead of (the month of) Ramadan, except if a man used to fast on particular days (and it happened that his usual fast came a day or two before Ramadan), then, he would observe fast on that day; and do not observe fast until you see it (the new moon of Ramadan); and keep fasting until you see it (the new moon of Shawwal): if it is cloudy and you are obstructed from seeing it, complete the number to thirty (days), after which you should break fasting; and the (lunar) month might consist of twenty-nine (days)."

Abu Dawud says: The same is narrated on the authority of Simak.

[8] Observing Fasts In Advance (Of The Month)

2328- It is narrated on the authority of Imran Ibn Husain that the Messenger of Allah "Allah's blessing and peace be upon him" asked a man: "Have you observed any fasts in advance of (the month of) Sha'ban?" he answered in the negative, thereupon he said to him: "Then, when you break your fasts (by the end of Ramadan), observe one or two fasts."

2329- It is narrated on the authority of Abu Azhar Al-Mughirah Ibn Farwah that he said: Mu'awiyah stood near the church of Mishal at the gate of Hims and addressed the people saying: "O people! We have seen the new moon on such and such (a night), and I'm going to observe fast in advance: whoever likes to do so, let him do." Malik Ibn Hubairah As-Saba'i stood and said to him: "O Mu'awiyah! Is it something you have

يَصُومُ لِرُؤْيَةِ رَمَضَانَ، فَإِنْ غُمَّ عَدَّ ثَلاَثِينَ يَوْمًا ثُمَّ صام».

2326 ـ حدّثنا مُحَمَّدُ بنُ الصَّبَّاحِ الْبَزَّازُ: حدَّثنا جَرِيرُ بنُ عَبْدِ الْحَمِيدِ الضَّبِّيُّ، عنْ مَنْصُورِ بن الْمُعْتَمِرِ، عن رِبْعيِّ بن حِراشٍ، عن حُذَيْفَةَ قال: قال رَسُولُ اللَّهِ ﷺ: **«لاَ تُقَدِّمُوا الشَّهْرَ حتى تَرَوُا الهِلاَلَ أَوْ تُكْمِلُوا الْعِدَّةَ صُومُوا حتى تَرَوُا الهِلاَلَ أَوْ تُكْمِلُوا الْعِدَّةَ»**.

قال أَبُو دَاوُدَ: رَوَاهُ سُفْيَانُ وَغَيْرُهُ عن مَنْصُورٍ، عن رِبْعِيٍّ عن رَجُلٍ من أصحابِ النَّبيِّ ﷺ لَمْ يُسَمِّ حُذَيْفَةَ.

[ت7/م7] ـ باب من قال: فإن غُمَّ عليكم فصوموا ثلاثين

2327 ـ حدّثنا الْحَسَنُ بنُ عَلِيٍّ: حدَّثنا حُسَيْنٌ، عن زَائِدَةَ، عن سِمَاكٍ، عن عِكْرِمَةَ، عن ابن عَبَّاسٍ قال: قال رَسُولُ اللَّهِ ﷺ: **«لاَ تُقَدِّمُوا الشَّهْرَ بِصِيَامِ يَوْمٍ وَلاَ يَوْمَيْنِ إلاَّ أن يَكُونَ شَيْءٌ يَصُومُهُ أَحَدُكُمْ، وَلا تَصُومُوا حتى تَرَوْهُ، ثُمَّ صُومُوا حَتَّى تَرَوْهُ، فَإِنْ حَال دُونَهُ غَمَامَةٌ فَأَتِمُّوا الْعِدَّةَ ثَلاثِينَ، ثُمَّ أفْطِرُوا، وَالشَّهْرُ تِسْعٌ وَعِشْرُونَ»**.

قال أَبُو دَاوُدَ: رَوَاهُ حاتِمُ بنُ أبي صَغِيرَةَ، وَشُعْبَةُ، وَالْحَسَنُ بنُ صالِحٍ، عن سِمَاكٍ بِمَعْنَاهُ، لَمْ يَقُولوا: ثُمَّ أَفْطِرُوا.

قال أَبُو دَاوُدَ: «وَهُو حاتِمُ بنُ مُسْلِمِ بن أَبِي صَغِيرَةَ وَأَبُو صَغِيرَةَ زَوْجُ أُمِّهِ».

[ت8/م8] ـ باب في التَّقَدُّم

2328 ـ حدّثنا موسى بنُ إسْمَاعِيلَ: حدَّثنا حَمَّادٌ، عن ثَابِتٍ، عن مُطَرِّفٍ، عن عِمْرانَ بنِ حُصَيْنٍ وَسَعِيدِ الْجُرَيْرِيِّ، عن أَبِي الْعَلاَءِ، عنْ مُطَرِّفٍ، عن عِمْرَانَ بنِ حُصَيْنٍ: أنَّ رَسُولَ اللَّهِ ﷺ قالَ لِرَجُلٍ: **«هَلْ صُمْتَ من سَرَرِ شَعْبَانَ شَيْئًا؟»** قالَ: لاَ، قال: **«فَإِذَا أَفْطَرْتَ فَصُمْ يَوْمًا»**، وَقالَ أَحَدُهُمَا: **«يَوْمَيْنِ»**.

2329 ـ حدّثنا إبراهِيمُ بنُ الْعَلاَءِ الزُّبَيْدِيُّ من كِتَابِهِ: حدَّثنا الْوَلِيدُ بنُ مُسلم: حدَّثنا عَبْدُ اللَّهِ بنُ الْعَلاَءِ، عن أَبي الأزْهَرِ الْمُغِيرَةِ بنِ فَرْوَةَ قال: قَامَ مُعَاوِيَةُ فِي النَّاسِ بِدَيْرِ مِسْحَلٍ الَّذِي عَلَى بَابِ حِمْصَ فَقالَ: يأَيُّهَا النَّاسُ إنَّا قَدْ رَأَيْنَا الْهِلاَلَ يَوْمَ كَذَا وَكَذَا، وَأَنَا مُتَقَدِّمٌ بالصِّيَامِ، فَمَنْ أحَبَّ أنْ يَفْعَلَهُ فَلْيَفْعَلْهُ قَالَ: فَقَامَ إلَيْهِ مَالِكُ بنُ هُبَيْرَةَ السَّبَئِيُّ، فقال: يَا مُعَاوِيَةُ أَشَيْءٌ سَمِعْتَهُ مِنْ رَسُولِ اللَّهِ ﷺ أَمْ شَيْءٌ مِن

heard from the Messenger of Allah "Allah's blessing and peace be upon him", or is it from your own mind?" on that he said: I heard the Messenger of Allah "Allah's blessing and peace be upon him" having said: "Observe fasts of the month, and (a fast or two) in advance of it."

2330- It is narrated on the authority of Abu Amr Al-Awza'i that he said: "In advance" refers here to the beginning of it.

2331- It is narrated on the authority of Sa'id Ibn Abd Al-Aziz that he used to say: "In advance" refers here to the beginning of it.

Abu Dawud says: some say it refers to its middle, and others to its end.

[9] When The New Moon Is Seen In A Town A Night Before Its Being Seen In The Other Towns

2332- It is narrated on the authority of Kuraib that he said that Umm Al-Fadl Bint Al-Harith sent him to Mu'awiyah in Sham. He said: I arrived in Sham and fulfilled her need. Then, while I was still in Sham, the month of Ramadan started. I saw the new moon on Friday. I returned to Medina at the end of the month. Abdullah Ibn Abbas asked me about the new moon (of Ramadan) and said: "When did you see the new moon?" I said: "We saw it on the night of Friday." He said: "Did you see it yourself?" I said: "Yes, and so did the people who observed fast. Mu'awiyah also observed fast." He (Ibn Abbas) said: "But we saw it (in Medina) on Saturday night. So we would keep observing fast till we complete thirty (days) or see it (the new moon of Shawwal)." I said: "Is not Mu'awiyah's seeing the new moon enough for you?" He said: "No, for this is what The Messenger of Allah "Allah's blessing and peace be upon him" ordered us."

2333- It is narrated on the authority of Al-Hasan that he said pertaining to a man who was living in a certain town, and he launched the fasts of Ramadan on Monday, while two men bore witness that they saw the new moon on the night of Sunday: "It is not incumbent upon this man, nor upon the inhabitants of his town to observe this missed day, unless they know that the inhabitants of a town belonging to the Muslim State launched the fasts (of Ramadan) on Sunday."

[10] It Is Undesirable To Observe Fast On The Day About Which There Is Suspicion (Whether It Is The First Day Of Ramadan Or The Concluding Day Of Sha'ban)

2334- It is narrated on the authority of Silah Ibn Zufar that he said: We were in the house of Ammar on the day about which there was suspicion (whether it was the first day of Ramadan or the concluding day of Sha'ban),

رَأْيِكَ؟ قَال: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يقُولُ: «**صُومُوا الشَّهْرَ وَسِرَّهُ**».

2330 ـ حدّثنا سُلَيْمَانُ بنُ عَبْدِ الرَّحْمَنِ الدِّمَشْقِيُّ في هذَا الْحَدِيثِ قال: قال الْوَلِيدُ: سَمِعْتُ أبَا عَمْرٍو ـ يَعني الأَوْزَاعِيَّ ـ يقُولُ: «سِرُّهُ: أَوَّلُهُ».

2331 ـ حدّثنا أَحْمَدُ بنُ عَبْدِ الْوَاحِدِ: حدَّثنا أَبُو مِسْهرٍ قال: كَانَ سَعِيدٌ ـ يَعني ابنَ عَبْدِ الْعَزِيزِ ـ يقُولُ: «سِرُّهُ: أَوَّلُهُ».

قال أَبُو دَاوُدَ: وَقال بَعْضُهُمْ: سِرُّهُ وَسَطُهُ، وَقالُوا: آخِرُهُ.

[ت9/م9] ـ باب إذا رُؤي الهلال في بلد قبل الآخرين بليلة

2332 ـ حدّثنا مُوسَى بنُ إِسْمَاعِيلَ: حدَّثنا إِسْمَاعِيلُ ـ يَعني ابنَ جَعْفَرٍ ـ: أخبرني مُحَمَّدُ بنُ أبي حَرْمَلَةَ: أخبرني كُرَيْبٌ: «أَنَّ أُمَّ الْفَضْلِ ابْنَةَ الْحَارِثِ بَعَثَتْهُ إلى مُعَاوِيَةَ بالشَّامِ، قال: فَقَدِمْتُ الشَّامَ فَقَضَيْتُ حَاجَتَهَا، فَاسْتُهِلَّ عَلَيْهِ رَمَضَانُ وَأَنَا بالشَّامِ فَرَأَيْنَا الْهِلاَلَ لَيْلَةَ الْجُمُعَةِ، ثُمَّ قَدِمْتُ الْمَدِينَةَ فِي آخِرِ الشَّهْرِ، فَسَأَلَنِي ابنُ عَبَّاسٍ، ثُمَّ ذَكَرَ الْهِلاَلَ فقال: مَتَى رَأَيْتُمُ الْهِلاَلَ؟ قُلْتُ: رَأَيْتُهُ لَيْلَةَ الْجُمُعَةِ. قال: أَنْتَ رَأَيْتَهُ؟ قُلْتُ: نَعَمْ وَرآهُ النَّاسُ، وَصَامُوا وَصَامَ مُعَاوِيَةُ، قال: لَكِنَّا رَأَيْنَاهُ لَيْلَةَ السَّبْتِ، فلا نَزَالُ نَصُومُهُ حتَّى نُكْمِلَ الثَّلاَثِينَ أَوْ نَرَاهُ، فَقُلْتُ: أَفلاَ تَكْتَفِي بِرُؤْيَةِ مُعَاوِيَةَ وَصِيَامِهِ؟ قال: لاَ، هَكَذَا أَمَرَنَا رَسُولُ اللَّهِ ﷺ».

2333 ـ حدّثنا عُبَيْدُ اللَّهِ بنُ مُعَاذٍ: حَدَّثَني أَبِي: حدَّثنا الأَشْعَثُ، عن الْحَسَنِ: «في رَجُلٍ كَانَ بِمِصْرٍ مِنَ الأَمْصَارِ فَصَامَ يَوْمَ الاثْنَيْنِ، وَشَهِدَ رَجُلاَنِ رَأَيَا الْهِلاَلَ لَيْلَةَ الأَحَدِ، فقال: لا يَقْضي ذَلِكَ الْيَوْمَ الرَّجُلُ وَلا أَهْلُ مِصْرِهِ إلاَّ أَنْ يَعْلَمُوا أَنَّ أَهْلَ مِصْرٍ مِنْ أَمْصَارِ الْمُسْلِمِينَ قَدْ صَامُوا يَوْمَ الأَحَدِ فَيَقْضُونَهُ».

[ت10/م10] ـ باب كَراهية صوم يوم الشك

2334 ـ حدّثنا مُحَمَّدُ بنُ عَبْدِ اللَّهِ بنِ نُمَيْرٍ، قال: حدَّثنا أَبُو خَالِدٍ الأَحْمَرُ، عن عَمْرِو بنِ قَيْسٍ، عن أَبي إِسْحَاقَ، عن صِلَةَ قال: «كُنَّا عِنْدَ عَمَّارٍ في الْيَوْمِ

and a goat was served, but some people moved aside (as they were fasting), thereupon Ammar said: "He, who fasts this day (about which there is suspicion) has, indeed, disobeyed Abu Al-Qasim (the Messenger of Allah "Allah's blessing and peace be upon him")."

[11] Making No Break Between The Voluntary Fasts Of Sha'ban And (The Obligatory Fasts Of) Ramadan

2335- It is narrated on the authority of Abu Hurairah that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "Do not observe fasts one or two days in advance of (the month of) Ramadan, except in case one observes fasts regularly (whose fasts agree with that day, and thus) he might carry on his fasts."

2336- It is narrated on the authority of Umm Salamah that she said: The Messenger of Allah "Allah's blessing and peace be upon him" never observed fasts from all (portions of a) month (barring Ramadan) during the year other than (the month of) Sha'ban, and then he would carry on (observing the fasts of) Ramadan, taking no break (between both).

[12] It Is Undesirable To Do So

2337- It is narrated on the authority of Abd Al-Aziz Ibn Muhammad that he said: Abbad Ibn Kathir arrived in Medina, and he inclined to the gathering of Al-Ala' and took hold of his hand and said: "O Allah! This (Al-Ala') relates from his father from Abu Hurairah that the Messenger of Allah "Allah's blessing and peace be upon him" said: "When it is the middle of Sha'ban, stop from observing fasts (until the coming of the month of Ramadan)."" On that Al-Ala' said: "O Allah! My father related to me that from Abu Hurairah from the Messenger of Allah "Allah's blessing and peace be upon him"."

Abu Dawud says: The same is narrated on the authority of Al-Ala' through another chain of transmitters. But Abd Ar-Rahman used not to relate it. I asked Ahmad about the reason for that, thereupon he said: Because he relates that the Messenger of Allah "Allah's blessing and peace be upon him" used to observe fasts from all (portions of the month of) Sha'ban, and then carry on (observing the fasts of) Ramadan, taking no break (between both); and this narration contradicts that.

الَّذِي يُشَكُّ فِيهِ، فَأُتِيَ بِشَاةٍ، فَتَنَحَّى بَعْضُ الْقَوْمِ، فقال عَمَّارٌ: مَنْ صَامَ هَذَا الْيَوْمَ فَقَدْ عَصَى أَبَا الْقَاسِمِ ﷺ».

[ت11/م12] ـ باب فيمن يَصِلُ شعبان برمضان متطوعًا

2335 ـ حدّثنا مُسْلِمُ بنُ إبراهِيمَ: حدَّثنا هِشَامٌ، عن يَحْيَى بنِ أبي كَثِيرٍ، عنْ أبي سَلَمَةَ، عنْ أَبي هُرَيْرَةَ، عَنِ النَّبيِّ ﷺ قال: «**لا تَقَدَّمُوا صَوْمَ رَمَضَانَ بِيَوْمٍ وَلا يَوْمَيْنِ إلاَّ أنْ يَكُونَ صَوْمٌ يَصُومُهُ رَجُلٌ فَلْيَصُمْ ذَلِكَ الصَّوْمَ**».

2336 ـ حدّثنا أَحْمَدُ بنُ حَنْبَلٍ: حدَّثنا مُحَمَّدُ بنُ جَعْفَرٍ: حدَّثنا شُعْبَةُ، عن تَوْبَةَ الْعَنْبَرِيِّ، عن مُحَمَّدِ بنِ إبراهِيمَ، عن أبي سَلَمَةَ، عن أُمِّ سَلَمَةَ، عن النَّبيِّ ﷺ: «أَنَّهُ لَمْ يَكُنْ يَصُومُ مِنَ السَّنَةِ شَهْرًا تَامًّا إلاَّ شَعْبَانَ يَصِلُهُ بِرَمَضَانَ».

[ت12/م13] ـ باب في كَرَاهية ذلك

2337 ـ حدّثنا قُتَيْبَةُ بنُ سَعِيدٍ: حدَّثنا عَبْدُ الْعَزِيزِ بنُ مُحَمَّدٍ قال: قَدِمَ عَبَّادُ بنُ كَثِيرٍ الْمَدِينَةَ فَمَالَ إلى مَجْلِسِ الْعَلاَءِ فأخَذَ بِيَدِهِ فَأَقَامَهُ ثُم قال: اللَّهُمَّ إنَّ هَذَا يُحَدِّثُ عن أبِيهِ، عن أَبي هُرَيْرَةَ أنَّ رَسُولَ اللَّهِ ﷺ قال: «**إذَا انْتَصَفَ شَعْبَانُ فَلاَ تَصُومُوا**»، فقال الْعَلاَءُ: اللَّهُمَّ إنَّ أَبِي حَدَّثَنِي عن أبي هُرَيْرَةَ عن النَّبِيِّ ﷺ بِذَلِكَ».

قال أَبُو دَاوُدَ: رَوَاهُ الثَّوْرِيُّ وَشِبْلُ بنُ الْعَلاَءِ وَأَبُو عُمَيْسٍ وَزُهَيْرُ بنُ مُحَمَّدٍ عن الْعَلاَءِ.

قال أَبُو دَاوُدَ: وكَانَ عَبْدُ الرَّحْمَنِ لا يُحَدِّثُ بِهِ. قُلْتُ لأَحْمَدَ: لِمَ؟ قال: لأَنَّهُ كَانَ عِنْدَهُ أنَّ النَّبيَّ ﷺ كَانَ يَصِلُ شَعْبَانَ بِرَمَضَانَ، وَقال عن النَّبيِّ ﷺ خِلاَفَهُ.

قال أَبُو دَاوُدَ: وَلَيْسَ هَذَا عِنْدِي خِلاَفُهُ وَلم يَجِىءْ بِهِ غَيْرُ الْعَلاَءِ عن أبِيهِ.

[13] When Two Men Bear Witness To Seeing The New Moon Of (The Month Of) Shawwal

2338- It is narrated on the authority of Al-Husain Ibn Al-Harith that the governor of Mecca delivered a speech in which he said: "the Messenger of Allah "Allah's blessing and peace be upon him" commanded us to go on the ceremonies of Id (Al-Fitr) on seeing it (the new moon of Shawwal), and in case we fail to see it, and at the same time, two just (and righteous) men bear witness that they has seen it, we should go on the ceremonies of Id (Al-Fitr) depending upon their witness." I (Abu Malik Al-Ashja'i, the sub-narrator) asked Al-Husain Ibn Al-Harith: "Who was that governor of Mecca?" he said: "I do not know." Later on, he met me and said: "He was Al-Harith Ibn Hatib, the brother of Muhammad Ibn Hatib." The governor further said: "Among you, there is a man, who has better knowledge of (the judgements and commandments of) Allah and His Messenger than I, and he witnessed the same from the Messenger of Allah "Allah's blessing and peace be upon him"." He beckoned with his hand to a man, and I asked an old man sitting by my side: "Who is that to whom the governor has beckoned?" he said: "Abdullah Ibn Umar." He (the governor) has told the truth, for Ibn Umar had better knowledge of (the commandments of) Allah than he. He said: "with that the Messenger of Allah "Allah's blessing and peace be upon him" has commanded us."

2339- It is narrated on the authority of Rib'i Ibn Hirash from one of the companions of the Messenger of Allah "Allah's blessing and peace be upon him" that he said: The people differed about the concluding day of Ramadan, and two desert dwellers came and bore witness by Allah before the Messenger of Allah "Allah's blessing and peace be upon him" that they had seen the new moon on the last night, thereupon the Messenger of Allah "Allah's blessing and peace be upon him" ordered the people to break their fast and go to the praying place (to offer the Id prayer) in the coming morning.

[14] When One Bears Witness To Seeing The New Moon Of (The Month Of) Ramadan

2340- It is narrated on the authority of Ibn Abbas that a desert dweller came to the Messenger of Allah "Allah's blessing and peace be upon him" and bore witness that he saw the new moon, i.e. of the month of Ramadan. The Messenger of Allah "Allah's blessing and peace be upon him" asked him: "Do you bear testimony to the fact that there is no god (to be worshipped) but Allah?" he answered in the affirmative. He further asked

[ت13/م14] ـ باب شَهَادة رجلين على رُؤْية هِلال شوال

2338 ـ حدّثنا مُحَمَّدُ بنُ عَبْدِ الرَّحِيمِ أبُو يَحْيَى الْبَزَّازُ، أخبرنا سَعِيدُ بنُ سُلَيْمَانَ: حدَّثنا عَبَّادٌ، عن أبي مَالِكٍ الأَشْجَعِيِّ: حدَّثنا حُسَيْنُ بنُ الحارِثِ الْجَدَلِيُّ مِنْ جَدِيلَةَ قَيْسٍ: «أنَّ أمِيرَ مَكَّةَ خَطَبَ ثُمَّ قال: عَهِدَ إلَيْنَا رَسُولُ اللَّهِ ﷺ أنْ نَنْسُكَ لِلرُّؤْيَةِ، فإنْ لم نَرَهُ وَشَهِدَ شَاهِدَا عَدْلٍ نَسَكْنَا بِشَهَادَتِهِمَا. فَسَأَلْتُ الْحُسَيْنَ بنَ الْحَارِثِ: مَنْ أمِيرُ مَكَّةَ؟ فقال: لا أدْرِي، ثُمَّ لَقِيَنِي بَعْدُ فقال: هُوَ الحارِثُ بنُ حَاطِبٍ أخُو مُحَمَّدِ بنِ حَاطِبٍ، ثُمَّ قال الأمِيرُ: إنَّ فِيكُمْ مَنْ هُوَ أعْلَمُ باللَّهِ وَرَسُولِهِ مِنِّي، وَشَهِدَ هَذَا مِنْ رَسُولِ اللَّهِ ﷺ، وَأَوْمَأَ بِيَدِهِ إلى رَجُلٍ. قال الْحُسَيْنُ: فَقُلْتُ لِشَيْخٍ إلى جَنْبِي: مَنْ هَذَا الَّذِي أوْمَأَ إلَيْهِ الأمِيرُ؟ قال: هَذَا عَبْدُ اللَّهِ بنُ عُمَرَ، وَصَدَقَ كَانَ أعْلَمَ باللَّهِ مِنْهُ، فقال: بِذَلِكَ أمَرَنَا رَسُولُ اللَّهِ ﷺ».

2339 ـ حدَّثنا مُسَدَّدٌ وَخَلَفُ بنُ هِشَامٍ المُقْرِىءُ قالاَ: حدَّثنا أبُو عَوانَةَ، عن مَنْصُورٍ، عن رِبْعِيِّ بنِ حِرَاشٍ، عن رَجُلٍ من أصْحَابِ النَّبيِّ ﷺ قال: «اخْتَلَفَ النَّاسُ في آخِرِ يَوْمٍ مِنْ رَمَضَانَ، فَقَدِمَ أعْرَابِيَّانِ فَشَهِدَا عِنْدَ النَّبيِّ ﷺ باللَّهِ لأَهَلاَّ الهِلاَلَ أمْسِ عَشِيَّةً، فأمَرَ رَسُولُ اللَّهِ ﷺ النَّاسَ أن يُفْطِرُوا». زَادَ خَلَفٌ في حَدِيثِهِ: «وَأنْ يَغْدُوا إلى مُصَلاَّهُمْ».

[ت14/م15] ـ باب في شهادة الواحد على رؤية هلال رمضان

2340 ـ حدّثنا مُحَمَّدُ بنُ بَكَّارِ بنِ الرَّيَّان: حدَّثنا الْوَلِيدُ ـ يَعني ابنَ أبي ثَوْرٍ ـ. (ح)، وحدثنا الْحَسَنُ بنُ عَلِيٍّ: حدَّثنا الْحُسَيْنُ ـ يَعني الْجُعْفِيَّ ـ، عن زَائِدَةَ المَعْنى، عن سِمَاكٍ، عن عِكْرِمَةَ، عن ابن عَبَّاسٍ قال: جَاءَ أعْرَابِيٌّ إلَى النَّبيِّ ﷺ فَقَالَ: إنِّي رَأَيْتُ الهِلاَلَ، قال الْحَسَنُ في حَدِيثِهِ: يعني هلال رَمَضَانَ، فَقَالَ «**أتَشْهَدُ أنْ لاَ إلَهَ إلاَّ اللَّهُ؟**» قال: نَعَمْ. قالَ: «**أتَشْهَدُ أنَّ مُحَمَّدًا**

him: "Do you bear testimony to the fact that Muhammad is Allah's Messenger?" he answered in the affirmative, thereupon the Messenger of Allah "Allah's blessing and peace be upon him" said: "O Bilal! Make a public announcement to the people to observe fast tomorrow."

2341- It is narrated on the authority of Ikrimah that once they had doubt in (seeing) the new moon (of the month of Ramadan), and they intended not to stand (for supererogatory prayer at night) nor to observe fast (on the coming day). A Bedouin came from Al-Harrah and bore witness that he had seen the new moon. He was brought to the Messenger of Allah "Allah's blessing and peace be upon him", who asked him: "Do you bear testimony to the fact that there is no god (to be worshipped) but Allah, and that I'm Allah's Messenger?" he bore testimony to that, and further bore witness that he had seen the new moon. On that the Messenger of Allah "Allah's blessing and peace be upon him" commanded Bilal to make a public announcement to the people to stand (for supererogatory prayer at night) and observe fast (on the coming day).

Abu Dawud says: This narration is transmitted on the authority of Ikrimah with no restriction of tracing it up to any of the companions, and no one mentions the standing (for supererogatory prayer at night) other than Hammad Ibn Salamah depending upon an opinion adopted by some people that the standing should start on the night prior to the day of fasting.

2342- It is narrated on the authority of Ibn Umar that he said: The people tried to see the new moon (of the month of Ramadan), and I told the Messenger of Allah "Allah's blessing and peace be upon him" that I had seen it, thereupon he started fasting, and ordered the people to start fasting.

[15] Having Suhur Is Commendable

(the night meal taken a short time before dawn by such as intends to observe fast)

2343- It is narrated on the authority of Amr Ibn Al-As that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "What distinguishes our fasting from the fasting of the people of Scripture is our having the Suhur (night meal taken a short time before dawn by such as intends to observe fast)."

[16] Giving Suhur The Name Of the Early Meal

2344- It is narrated on the authority of Al-Irbad Ibn Sariyah: Allah's Messenger "Allah's blessing and peace be upon him" invited me to share Suhur with him saying: "Come to have the blessed (with me)."

رَسُولُ اللَّهِ؟» قال: نَعَمْ. قالَ: «يَا بِلَالُ أَذِّنْ في النَّاسِ فَلْيَصُوموا غَدًا».

2341 ـ حدّثنا مُوسَى بنُ إِسْمَاعِيلَ: حدَّثنا حَمَّادٌ، عنْ سِمَاكِ بن حَرْبٍ، عن عِكْرِمَةَ: «أَنَّهُمْ شَكُّوا في هِلَالِ رَمَضَانَ مَرَّةً، فَأَرَادُوا أنْ لاَ يَقُومُوا وَلاَ يَصُومُوا، فَجَاءَ أَعْرَابِيٌّ من الْحَرَّةِ فَشَهِدَ أَنَّهُ رَأَى الهِلالَ فَأُتِيَ بِهِ النَّبيَّ ﷺ، فقَالَ: «**أَتَشْهَدُ أنْ لاَ إِلَهَ إلاَّ اللَّهُ وَأَنِّي رَسُولُ اللَّهِ؟**»قالَ: نَعَمْ وَشَهِدَ أَنَّهُ رَأَى الهِلاَلَ، فَأَمَرَ بِلاَلاً فَنَادَى في النَّاسِ أنْ يَقُومُوا، وَأَنْ يَصُومُوا».

قال أَبُو دَاوُدَ: رَوَاهُ جَمَاعَةٌ عن سِمَاكٍ عنْ عِكْرِمَةَ مُرْسَلاً، وَلَمْ يَذْكر الْقِيَامَ أحَدٌ إلاَّ حَمَّادُ بنُ سَلَمَةَ.

قال أَبُو دَاوُدَ: هذه الكَلِمَةُ لم يَقُلْها إلّا حَمَّادٌ أنْ يَقُومُوا، لأنَّ قَوْمًا يقولون: القِيَامُ قَبْلَ الصّيَامِ.

2342 ـ حدّثنا مَحْمُودُ بنُ خَالِدٍ وَعَبْدُ اللَّهِ بنُ عَبْدِ الرَّحْمٰنِ السَّمَرْقَنْدِيُّ وَأَنَا لِحَدِيثِهِ أَتْقَنُ قالَ: حدَّثنا مَرْوَانُ ـ هُوَ ابنُ مَحَمَّدٍ ـ، عنْ عَبْدِ اللَّهِ بن وَهْبٍ، عن يَحْيَى بنِ عَبْدِ اللَّهِ بنِ سَالِمٍ، عن أبي بَكْرِ بن نَافِعٍ، عنْ أَبِيهِ، عن ابن عُمَرَ قال: «تَرَاءى النَّاسُ الهِلاَلَ فَأَخْبَرْتُ رَسُولَ اللَّهِ ﷺ أنِّي رَأَيْتُهُ فَصَامَ وَأَمَرَ النَّاسَ بِصِيَامِهِ».

[ت15/م16] ـ باب في توكيد السُّحور

2343 ـ حدّثنا مُسَدَّدٌ: حدَّثنا عَبْدُ اللَّهِ بنُ الْمُبَارَكِ، عنْ مُوسَى بنِ عَلِيِّ بنِ رَبَاحٍ، عنْ أَبِيهِ، عنْ أبي قَيْسٍ مَوْلَى عَمْرِو بن الْعَاصِ، عنْ عَمْرِو بن الْعَاصِ قال: قال رسُولُ اللَّهِ ﷺ: «**إنَّ فَصْلَ ما بَيْنَ صِيَامِنَا وَصِيَامِ أَهْلِ الْكِتَابِ أَكْلَةُ السَّحَرِ**».

[ت16/م17] ـ باب مَنْ سَمَّى السَّحُور الغداء

2344 ـ حدّثنا عَمْرُو بنُ مُحَمَّدٍ النَّاقِدُ: حدَّثنا حَمَّادُ بنُ خَالِدٍ الْخَيَّاطُ: حدَّثنا مُعَاوِيَةُ بنُ صَالِحٍ، عنْ يُونُسَ بنِ سَيْفٍ، عن الْحَارِثِ بنِ زِيَادٍ، عن أبي رُهْمٍ، عن الْعِرْبَاضِ بنِ سَارِيَةَ قال: دَعَانِي رَسُولُ اللَّهِ ﷺ إِلَى السَّحُورِ في رَمَضَانَ فقالَ: «**هَلُمَّ إِلَى الْغَدَاءِ الْمُبَارَكِ**».

2345- It is narrated on the authority of Abu Hurairah that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "How good is (the meal of) dates for the Suhur of a faithful believer!"

[17] The Due Time Of Having Suhur

2346- It is narrated on the authority of Samurah Ibn Jundub that he addressed the people saying: The Messenger of Allah "Allah's blessing and peace be upon him" said: "Let not the (first) Adhan of Bilal, nor the whiteness (whose streaks are vertical, indicating the false dawn) like this until it becomes vertical and spread its light, stop you from having your Suhur."

2347- It is narrated on the authority of Abdullah Ibn Mas'ud that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "The Adhan of Bilal (or the call pronounced by Bilal) should not stop anyone of you from having his night meal. However, he pronounces Adhan at night (or calls at night) in order to turn the standing one from among you (for the night prayers), and awaken the sleeping one from among you." he said: "The dawn is not thus and thus, (and he raised both his hands) till it is like this" (and he dispersed both his index fingers).

2348- It is narrated on the authority of Qais Ibn Talq from his father that the Messenger of Allah "Allah's blessing and peace be upon him" said: "Eat and drink (during the night) and let not the vertical streaks (of the false dawn) stop you from eating: keep eating and drinking until it (the light of the true dawn) becomes horizontal."

Abu Dawud says: This narration is unique to the inhabitants of Yamamah.

2349- It is narrated on the authority of Adi Ibn Hatim that he said: When this verse was revealed: "Until the white thread of dawn appears to you, distinct from the black thread" (The Heifer 187) I kept two strings, one black and the other white, under my pillow (by which I could distinguish night from dawn), and I looked, but I failed to know it. I made a mention of that to the Messenger of Allah "Allah's blessing and peace be upon him", thereupon The Messenger of Allah "Allah's blessing and peace be upon him" smiled and said: "no doubt, your pillow seems to be too large and long (to extend over the night and the day). This means the darkness of the night and the whiteness of the dawn."

2345 ـ حدّثنا عُمَرُ بنُ الْحَسَنِ بنِ إبراهِيمَ قال: حدَّثنا مَحَمَّدُ بنُ الْوَزِيرِ أبو المُطَرِّفِ قالَ: حدَّثنا مُحَمَّدُ بنُ مُوسَى، عن سَعِيدِ الْمَقْبُرِيِّ، عنْ أَبي هُرَيْرَةَ عن النَّبيِّ ﷺ قال: «**نِعْمَ سَحُورُ الْمُؤْمِنِ التَّمْرُ**».

[ت17/م18] ـ باب وقت السُّحور

2346 ـ حدّثنا مُسَدَّدٌ: حدَّثنا حَمَّادُ بنُ زَيْدٍ، عنْ عَبْدِ اللَّهِ بنِ سَوَادَةَ الْقُشَيْرِيِّ، عنْ أَبِيهِ قال: سَمِعْتُ سَمُرَةَ بنَ جُنْدَبٍ يَخْطُبُ وَهُوَ يَقُولُ: قال رَسُولُ اللَّهِ ﷺ: «**لا يَمْنَعَنَّ مِنْ سُحُورِكُمْ أذَانُ بِلاَلٍ وَلاَ بَيَاضُ الأُفقِ الَّذِي هٰكَذَا حتى يَسْتَطِير**».

2347 ـ حدّثنا مُسَدَّدٌ: حدَّثنا يَحْيَى، عن التَّيْمِيِّ. (ح) وحدَّثنا أَحْمَدُ بنُ يُونُسَ: حدَّثنا زُهَيْرٌ: حدَّثنا سُلَيْمَانُ التَّيْمِيُّ، عن أبي عُثْمَانَ، عنْ عَبْدِ اللَّهِ بنِ مَسْعُودٍ قال: قالَ رَسُولُ اللَّهِ ﷺ: «**لاَ يَمْنَعَنَّ أحَدَكُمْ أذَانُ بِلاَلٍ مِنْ سُحُورِهِ فَإِنَّهُ يُؤَذِّنُ**» أَوْ قالَ: «**يُنَادِي لِيَرْجِعَ قَائِمُكُم وَيَنْتَبِهَ نَائِمُكُم**» قال أحمد بن يونس في حديثه: «**وَلَيْسَ الْفَجْرُ أنْ يَقُولَ**» يعني الفجر «**هٰكَذَا**». قالَ مُسَدَّدٌ: وَجَمَعَ يَحْيَى كَفَّهُ حَتَّى يَقُولَ: هٰكَذَا، وَمَدَّ يَحْيَى بإصْبَعَيْهِ السَّبَّابَتَيْنِ.

2348 ـ حدّثنا مُحَمَّدُ بنُ عِيسَى: حدَّثنا مُلاَزِمُ بنُ عَمْرٍو، عن عَبْدِ اللَّهِ بنِ النُّعْمَانِ: حدثني قَيْسُ بنُ طَلْقٍ، عنْ أبيهِ قال: قال رَسُولُ اللَّهِ ﷺ: «**كُلُوا وَاشْرَبُوا وَلاَ يَهِيدَنَّكُم السَّاطِعُ المُصْعِدُ، فَكُلُوا واشْرَبُوا حَتَّى يَعْتَرِضَ لَكُمُ الأَحْمَرُ**»

قال أَبُو دَاوُدَ: هٰذَا مِمَّا تَفَرَّدَ بِهِ أَهْلُ الْيَمَامَةِ.

2349 ـ حدّثنا مُسَدَّدٌ: حدَّثنا حُصَيْنُ بنُ نُمَيْرٍ. (ح) وحدَّثنا عُثْمَانُ بنُ أَبِي شَيْبَةَ: حدَّثنا ابنُ إدْرِيسَ، المَعْنَى، عن حُصَيْنٍ، عن الشَّعْبِيِّ، عن عَدِيِّ بنِ حَاتِمٍ، قال: «لَمَّا نَزَلَتْ هٰذِهِ الآيَةُ: ﴿حَتَّىٰ يَتَبَيَّنَ لَكُمُ ٱلْخَيْطُ ٱلْأَبْيَضُ مِنَ ٱلْخَيْطِ ٱلْأَسْوَدِ﴾ [البقرة: 187] قال: أخَذْتُ عِقَالاً أَبْيَضَ وَعِقَالاً أَسْوَدَ، فَوَضَعْتُهُمَا تَحْتَ وِسَادَتِي، فَنَظَرْتُ فَلَمْ أَتبيَّنْ، فَذَكَرْتُ ذٰلِكَ لرَسُولِ اللَّهِ ﷺ فَضَحِكَ فقالَ: «**إنَّ وِسَادَكَ إذًا لَعَرِيضٌ طَوِيلٌ إنَّمَا هُوَ اللَّيْلُ وَالنَّهَارُ**». وَقَالَ عُثْمَانُ: إنَّمَا هُوَ سَوَادُ اللَّيْلِ وَبَيَاضُ النَّهَارِ».

[18] When One Hears The Adhan While The Utensil Is In His Hand

2350- It is narrated on the authority of Abu Hurairah that the Messenger of Allah "Allah's blessing and peace be upon him" said: "When anyone of you hears the Adhan (of Fajr) while the utensil is in his hand, let not him place it until he satisfies his need from it."

[19] The Due Time Fitting For The Fasting To Break His Fast

2351- It is narrated on the authority of Asim Ibn Umar from his father that the Messenger of Allah "Allah's blessing and peace be upon him" said: "When the night falls from this direction (of the East) and the day vanishes from that direction (of the West), and the sun disappears, it is time for the fasting person to break his fast."

2352- It is narrated on the authority of Abdullah Ibn Abu Awfa that he said: We were in the company of Allah's Apostle "Allah's blessing and peace be upon him" on a journey. when the sun had sunk He said to Bilal: "O Bilal! Get down and mix powdered parley with water for us." He said: "(Won't you wait) till evening?" The Prophet "Allah's blessing and peace be upon him" again said to him: "Get down and mix powdered parley with water for us." He said: "But, the sun (has not set yet)." The Prophet ordered him for the third time to get down and mix powdered parley with water for them, thereupon he dismounted and mixed powdered parley with water for him. The Prophet "Allah's blessing and peace be upon him" drank it and then said: "When you see the night falling from this side (beckoning with his hand towards the East), then a fasting person should break his fast."

[20] It Is Desirable To Hasten To Break Fasting

2353- It is narrated on the authority of Abu Hurairah that the Messenger of Allah "Allah's blessing and peace be upon him" said: "The religion (of Islam) will remain strongly prevalent as long as they (the Muslims) hasten to break their fasting (once it is time to do so), for indeed, both the Jews and Christians delay (breaking their fast)."

2354- It is narrated on the authority of Abu Atiyyah that he said: Once, I and Masruq entered upon A'ishah and said: "O Mother of the Believers! There are two of the companions of Muhammad "Allah's blessing and peace be upon him", one of whom always hastens to have the meal of breaking the fast before offering the (Maghrib) prayer, and the other always defers breaking the fast after offering the prayer." She asked: "Who is that, who always hastens to break the fast before offering the prayer?" we said: "Abdullah (Ibn Mas'ud)." She said: "As such the Messenger of

[ت18/م19] ـ باب [في] الرَّجل يَسْمَع النِّداء والإناء على يده

2350 ـ حدّثنا عَبْدُ الأَعْلَى بنُ حَمَّادٍ: حدَّثنا حَمَّادٌ، عن مُحَمَّدِ بن عَمْرٍو، عنْ أبي سَلَمَةَ، عن أَبي هُرَيْرَةَ قال: قال رَسُولُ اللَّهِ ﷺ: «**إذَا سَمِعَ أَحَدُكُمُ النِّدَاءَ والإنَاءُ عَلَى يَدِهِ فَلاَ يَضَعْهُ حَتَّى يَقْضِيَ حَاجَتَهُ مِنْهُ**».

[ت19/م20] ـ باب وقت فِطر الصائم

2351 ـ حدّثنا أَحْمَدُ بنُ حَنْبَلٍ: حدَّثنا وَكِيعٌ: حدثنا هِشَامٌ. (ح) وحدَّثنا مُسَدَّدٌ: حدَّثنا عَبْدُ اللَّهِ بنُ دَاوُدَ، عن هِشَامٍ، المعنى، قال هِشَامُ بنُ عُرْوَةَ عن أبِيهِ، عن عَاصِمِ بنِ عُمَرَ، عن أبيهِ قال: قال النَّبيُّ ﷺ: «**إذَا جَاءَ اللَّيْلُ مِنْ هٰهُنَا، وَذَهَبَ النَّهَارُ مِنْ هٰهُنَا**» زَادَ مُسَدَّدٌ: «**وَغَابَتِ الشَّمْسُ، فَقَدْ أَفْطَرَ الصَّائِمُ**».

2352 ـ حدّثنا مُسَدَّدٌ: حدَّثنا عَبْدُ الْوَاحِدِ: حدَّثنا سُلَيْمَانُ الشَّيْبَانِيُّ، قال: سَمِعْتُ عَبْدَ اللَّهِ بنَ أبي أوْفَى يقُولُ: سِرْنَا مَعَ رَسُولِ اللَّهِ ﷺ وَهُوَ صَائِمٌ، فَلَمَّا غَرَبَتِ الشَّمْسُ قال: «**يَا بِلاَلُ انْزِلْ فَاجْدَحْ لَنَا**». قال: يَا رَسُولَ اللَّهِ لَوْ أَمْسَيْتَ، قال: «**انْزِلْ فَاجْدَحْ لَنَا**». قال: يَا رَسُولَ اللَّهِ إنَّ عَلَيْكَ نَهارًا. قال: «**انْزِلْ فَاجْدَحْ لَنَا**». فَنَزَلَ فَجَدَحَ، فَشَرِبَ رَسُولُ اللَّهِ ﷺ ثُمَّ قالَ: «**إذَا رَأَيْتُمُ اللَّيْلَ قَدْ أَقْبَلَ مِنْ هٰهُنَا فَقَدْ أَفْطَرَ الصَّائِمُ**»، وَأَشَارَ بِإصْبَعِهِ قِبَلَ الْمَشْرِقِ.

[ت20/م21] ـ باب ما يُسْتَحب من تَعْجيل الفطر

2353 ـ حدّثنا وَهْبُ بنُ بَقِيَّةَ، عن خَالِدٍ، عن مُحَمَّدٍ ـ يَعني ابنَ عَمْرٍو ـ، عن أبي سَلَمَةَ، عن أَبي هُرَيْرَةَ، عن النَّبيِّ ﷺ قال: «**لاَ يَزَالُ الدِّينُ ظَاهِرًا ما عَجَّلَ النَّاسُ الْفِطْرَ، لأَنَّ الْيَهُودَ وَالنَّصَارَى يُؤَخِّرُونَ**».

2354 ـ حدّثنا مُسَدَّدٌ: حدَّثنا أبُو مُعَاوِيَةَ، عن الأَعْمَشِ، عن عُمَارَةَ بنِ عُمَيْرٍ، عن أبي عَطِيَّةَ قال: «دَخَلْتُ عَلَى عَائِشَةَ رضي اللَّهُ عنها أنَا وَمَسْرُوقٌ فَقُلْنَا: يا أُمَّ الْمُؤْمِنِينَ رَجُلاَنِ مِنْ أصْحَابِ مُحَمَّدٍ ﷺ، أَحَدُهُمَا يُعَجِّلُ الإفْطَارَ وَيُعَجِّلُ الصَّلاَةَ، وَالآخَرُ يُؤَخِّرُ الإفْطَارَ وَيُؤَخِّرُ الصَّلاَةَ. قالَتْ: أَيُّهُمَا يُعَجِّلُ الإفْطَارَ وَيُعَجِّلُ الصَّلاَةَ؟

Allah "Allah's blessing and peace be upon him" used to do." (Abu Kuraib (a sub-narrator) added: The other man was Abu Musa.)

[21] With Which Could One Break His Fast?

2355- It is narrated on the authority of Salman Ibn Amir that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "If anyone of you is fasting (and it is time for him to break his fast), let him break his fast with dates; and if he finds no dates, let him break his fast with water, for water is pure."

2356- It is narrated on the authority of Anas Ibn Malik that he said: The Messenger of Allah "Allah's blessing and peace be upon him" used to break his fast with some fresh dates before he would offer prayer, and in case there were no fresh dates, he would do it with dry dates, and in case there were no dry dates, he would have many sips of water.

[22] What Could One Say On Breaking His Fast?

2357- It is narrated on the authority of Marwan Ibn Salim Al-Muqaffa' that he said: I saw Ibn Umar having caught hold of (the hair of) his beard, and trimmed what is beyond the fist length, and said: Whenever the Messenger of Allah "Allah's blessing and peace be upon him" broke his fast he would say: "Indeed, the thirst has been quenched, the veins have been wetted, and the reward (of fasting) has been affirmed."

2358- It is narrated on the authority of Mu'adh Ibn Zuhrah that he was reported that the Messenger of Allah "Allah's blessing and peace be upon him" used to say whenever he broke his fast: "O Allah! I've observed fast for Your Sake, and on the Sustenance You've bestowed upon me I've broken my fast."

[23] What About Breaking Fast Before Sunset?

2359- It is narrated on the authority of Asma' Bint Abu Bakr that she said: "During the lifetime of the Messenger of Allah "Allah's blessing and peace be upon him", we broke our fast one day during the month of Ramadan when it was cloudy (and we failed to be sure that the sun had really disappeared), after which the sun rose." Abu Usamah said: I asked Hisham: "Were they commanded to observe a fast in lieu of that?" he said: "Was there any way to flee from that?"

[24] Observing Fasts Uninterruptedly

2360- It is narrated on the authority of Ibn Umar that the Messenger of Allah "Allah's blessing and peace be upon him" forbade to observe fasts

قُلْنا: عَبْدُ اللَّهِ، قالَتْ: كَذَلِكَ كَانَ يَصْنَعُ رَسُولُ اللَّهِ ﷺ».

[ت21/م22] ـ باب ما يُفْطِر عليه

2355 ـ حدّثنا مُسَدَّدٌ: حدَّثنا عَبْدُ الْوَاحِدِ بنُ زِيَادٍ، عن عَاصِم الأَحْوَلِ، عن حَفْصَةَ بِنْتِ سِيرِينَ، عن الرَّبابِ، عن سَلْمَانَ بنِ عَامِرٍ عَمِّهَا قال: قال رَسُولُ اللَّهِ ﷺ: **«إذَا كَانَ أَحَدُكُم صَائِمًا فَلْيُفْطِرْ عَلَى التَّمْرِ، فإنْ لم يَجِد التَّمْرَ فَعَلَى الْمَاءِ فإنَّ الْمَاءَ طَهُورٌ»**.

2356 ـ حدّثنا أَحْمَدُ بنُ حَنْبَلٍ: حدَّثنا عَبْدُ الرَّزَّاقِ: حدَّثنا جَعْفَرُ بنُ سُلَيْمَانَ، أخبرنا ثَابِتٌ الْبُنَانِيُّ أَنَّهُ سَمِعَ أَنَسَ بنَ مَالِكٍ يَقُولُ: «كَانَ رَسُولُ اللَّهِ ﷺ يُفْطِرُ عَلَى رُطَبَاتٍ قَبْلَ أَنْ يُصَلِّيَ، فإنْ لَمْ تَكُنْ رُطَبَاتٌ فَعَلَى تَمَرَاتٍ، فإنْ لَمْ تَكُنْ حَسَا حَسَواتٍ مِنْ مَاءٍ».

[ت22/م23] ـ باب القَوْل عند الإفطار

2357 ـ حدّثنا عَبْدُ اللَّهِ بنُ مُحَمَّدِ بنِ يَحْيَى أَبُو مُحَمَّدٍ: حدَّثنا عَلِيُّ بنُ الْحَسَنِ، أخبرنا الْحُسَيْنُ بنُ وَاقِدٍ: حدَّثنا مَرْوَانُ ـ يَعني ابنَ سَالِمٍ الْمُقَفَّع ـ قال: رَأَيْتُ ابنَ عُمَرَ يَقْبِضُ عَلَى لِحْيَتِهِ فَيَقْطَعُ ما زَادَتْ عَلَى الْكَفِّ، وَقال: كَانَ النَّبِيُّ ﷺ إذَا أَفْطَرَ قال: **«ذَهَبَ الظَّمَأُ وَابْتَلَّتِ الْعُرُوقُ وَثَبَتَ الأَجْرُ إنْ شَاءَ اللَّهُ»**.

2358 ـ حدّثنا مُسَدَّدٌ: حدَّثنا هُشَيْمٌ، عن حُصَيْنٍ، عن مُعَاذِ بنِ زُهْرَةَ: أَنَّهُ بَلَغَهُ أَنَّ النَّبِيَّ ﷺ كَانَ إذَا أَفْطَرَ قال: **«اللَّهُمَّ لَكَ صُمْتُ وَعَلَى رِزْقِكَ أَفْطَرْتُ»**.

[ت23/م24] ـ باب الفِطر قبل غروب الشمس

2359 ـ حدّثنا هَارُونُ بنُ عَبْدِ اللَّهِ وَمُحَمَّدُ بنُ الْعَلاَءِ، الْمَعْنَى، قالاَ: حدَّثنا أَبُو أُسَامَةَ: حدَّثنا هِشَامُ بنُ عُرْوَةَ عن فَاطِمَةَ بِنْتِ الْمُنْذِرِ، عنْ أَسْمَاءَ بِنْتِ أبي بَكْرٍ قالَتْ: «أَفْطَرْنَا يَوْمًا في رَمَضَانَ في غَيْمٍ في عَهْدِ رَسُولِ اللَّهِ ﷺ ثُمَّ طَلَعَتِ الشَّمْسُ. قالَ أَبُو أُسَامَةَ: قُلْتُ لِهِشَامٍ: أُمِرُوا بالْقَضَاءِ؟ قال: وَبُدٌّ منْ ذٰلِكَ؟».

[ت24/م25] ـ باب في الوِصال

2360 ـ حدّثنا عَبْدُ اللَّهِ بنُ مَسْلَمَةَ الْقَعْنَبِيُّ، عن مَالِكٍ، عن نَافِعٍ، عن ابن عُمَرَ: أَنَّ رَسُولَ اللَّهِ ﷺ نَهَى عن الْوِصَالِ قَالُوا: فَإِنَّكَ تُوَاصِلُ يَا رَسُولَ اللَّهِ؟

interruptedly. It was said to him: "But you fast interruptedly O Messenger of Allah!" on that he said: "I'm not like anyone of you: I'm provided with food and drink (by angels while being asleep)."

2361- It is narrated on the authority of Abu Sa'id Al-Khudri that he heard the Messenger of Allah "Allah's blessing and peace be upon him" having said: "Do not fast uninterruptedly, and if it seems to anyone of you to fast as such, let him keep fasting until the last portion of the night, a short time before dawn." It was said to him: "But you fast interruptedly O Messenger of Allah." On that he said: "I'm not like anyone of you: I have food provider who feeds me, and a water provider who waters me."

[25] What About Backbiting From The Part Of The Fasting Person?

2362- It is narrated on the authority of Abu Hurairah that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "He, who does not leave the false speech and acting upon it, Allah is not in need of his leaving his food and drink (i.e. of his fasting)."

2363- It is narrated on the authority of Abu Hurairah that he said: The Prophet "Allah's blessing and peace be upon him" said: "No doubt, fasting is a shield (that should protect one from the fire of Hell): so, if anyone of you gets up in the morning as fasting, he should neither use obscene language, nor should he do any act of ignorance. If anyone fights or quarrels with him, he should say: "I'm fasting! I'm fasting!""

[26] What About Siwak For The Fasting Person?

2364- It is narrated on the authority of Abdullah Ibn Amir Ibn Rabie'ah from his father that he said: I saw the Messenger of Allah "Allah's blessing and peace be upon him" so many times brushing his teeth with Siwak (the teeth-cleansing stick) while he was fasting.

[27] A Fasting Person Pours Water Over His Body Because Of Severe Thirst, And Snuffs Water Into His Nostrils Strongly

2365- It is narrated on the authority of Abu Bakr Ibn Abd Ar-Rahman from one of the companions of the Messenger of Allah "Allah's blessing and peace be upon him" that he said: I saw the Messenger of Allah "Allah's blessing and peace be upon him" during his journey in the year of Conquest, having ordered the people to leave fasting (of Ramadan) saying: "Strengthen yourselves to get ready for your enemy!" but the Messenger of Allah "Allah's blessing and peace be upon him" himself kept fasting.

Abu Bakr further said: The one who related to me this narration told me: I saw the Messenger of Allah "Allah's blessing and peace be upon him" at

قال: «**إِنِّي لَسْتُ كَهَيْئَتِكُم إِنِّي أُطْعَمُ وَأُسْقَى**».

2361 ـ حدّثنا قُتَيْبَةُ بنُ سَعِيدٍ أنَّ بَكْرَ بنَ مُضَرَ حَدَّثَهُمْ عن ابن الْهَادِ، عنْ عَبْدِ اللَّهِ بنِ خَبَّابٍ، عنْ أبي سَعِيدٍ الْخُدْرِيِّ أنَّهُ سَمِعَ رَسُولَ اللَّهِ ﷺ يَقُولُ: «**لا تُوَاصِلُوا فَأَيُّكُم أَرَادَ أَنْ يُوَاصِلَ فَلْيُوَاصِلْ حَتَّى السَّحَرِ**» قالُوا: فَإِنَّكَ تُوَاصِلُ، قالَ: «**إِنِّي لَسْتُ كَهَيْئَتِكُم، إِنَّ لِي مُطْعِمًا يُطْعِمُنِي وَسَاقِيًا يَسْقِينِي**».

[ت25/م26] ـ باب الغِيبَة للصائم

2362 ـ حدّثنا أَحْمَدُ بنُ يُونُسَ: حدَّثنا ابنُ أبي ذِئْبٍ، عن المَقْبُرِيِّ، عن أبِيهِ، عن أبي هُرَيْرَةَ قالَ: قالَ رَسُولُ اللَّهِ ﷺ: «**مَنْ لَمْ يَدَعْ قَوْلَ الزُّورِ وَالْعَمَلَ بِهِ، فَلَيْسَ للَّهِ حَاجَةٌ أَنْ يَدَعَ طَعَامَهُ وَشَرَابَهُ**» قالَ أَحْمَدُ: فَهِمْتُ إِسْنَادَهُ مِن ابنِ أبي ذِئْبٍ وَأفهَمَني الحَدِيثَ رَجُلٌ إِلَى جَنْبِهِ أُرَاهُ ابنَ أخِيهِ.

2363 ـ حدّثنا عَبْدُ اللَّهِ بنُ مَسْلَمَةَ الْقَعْنَبِيُّ، عن مَالِكٍ، عن أبي الزِّنَادِ، عن الأَعْرَجِ، عن أبي هُرَيْرَةَ: أنَّ النَّبيَّ ﷺ قالَ: «**الصِّيَامُ جُنَّةٌ فإذَا كانَ أَحَدُكُمْ صَائِمًا فَلاَ يَرْفُثْ وَلاَ يَجْهَلْ، فَإِنِ امْرُؤٌ قَاتَلَهُ أَوْ شَاتَمَهُ فَلْيَقُلْ إِنِّي صَائِمٌ إِنِّي صَائِمٌ**».

[ت26/م27] ـ باب السِّواك للصائم

2364 ـ حدّثنا مُحَمَّدُ بنُ الصَّبَّاحِ: حدَّثنا شَرِيكٌ. (ح) وحدَّثنا مُسَدَّدٌ: حدَّثنا يَحْيَى، عن سُفْيَانَ، عنْ عاصم بن عُبَيْدِ اللَّهِ، عن عُبَيْدِ اللَّهِ بن عامِرِ بن رَبِيعَةَ، عن أبِيهِ قالَ: «رَأَيْتُ رَسُولَ اللَّهِ ﷺ يَسْتَاكُ وُهُوَ صائِمٌ». زَادَ مُسَدَّدٌ: «مَا لاَ أَعُدُّ وَلاَ أُحْصِي».

[ت27/م28] ـ باب الصائم يَصُبُّ عليه الماء من العطش ويُبَالغ في الاستنشاق

2365 ـ حدّثنا عَبْدُ اللَّهِ بنُ مَسْلَمَةَ الْقَعْنَبِيُّ، عن مَالِكٍ، عن سُمَيٍّ مَوْلَى أبي بَكْرِ بن عَبْدِ الرَّحْمٰنِ، عن أبي بَكْرِ بنِ عَبْدِ الرَّحْمٰنِ، عنْ بَعْضِ أصْحَابِ النَّبيِّ ﷺ قال: رَأَيْتُ النَّبيَّ ﷺ أمَرَ النَّاسَ في سَفَرِهِ عَامَ الْفَتْحِ بالْفِطْرِ وَقال: «**تَقَوَّوْا لِعَدُوِّكُمْ**» وَصامَ رَسُولُ اللَّهِ ﷺ.

قال أبُو بَكْرٍ: قالَ الَّذِي حَدَّثَني: «لَقَدْ رَأَيْتُ رَسُولَ اللَّهِ ﷺ بالْعَرْجِ يَصُبُّ

Al-Araj, pouring water over his head while he was fasting, because of severe thirst or scorching heat.

[...] What About Snuffing Nose With Water For The Fasting Person

2366- It is narrated on the authority of Laqit Ibn Sabrah that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "Snuff water into your nostrils (during your ablution) strongly unless you are fasting."

[28] When A Fasting Person Gets Himself Cupped

2367- It is narrated on the authority of Thawban, the freed slave of the Messenger of Allah "Allah's blessing and peace be upon him", that the Messenger of Allah "Allah's blessing and peace be upon him" said (or that he heard the Messenger of Allah "Allah's blessing and peace be upon him" having said): "Such as practices cupping, and such as upon whom cupping is operated (while they are fasting) are considered to have broken their fast."

2368- It is narrated on the authority of Shaddad Ibn Aws that while he was walking in the company of the Messenger of Allah "Allah's blessing and peace be upon him"...and he mentioned the same.

2369- It is narrated on the authority of Shaddad Ibn Aws that the Messenger of Allah "Allah's blessing and peace be upon him" came upon a man at Baqi' while he was getting himself cupped, and he (the Prophet) was catching hold of my hand, and eighteen (nights) had elapsed from (the month of) Ramadan, thereupon he said: "Such as practices cupping, and such as upon whom cupping is operated (while they are fasting) are considered to have broken their fast."

Abu Dawud says: A Hadith like this is narrated on the authority of Abu Qilabah.

2370- It is narrated on the authority of Thawban, the freed slave of the Messenger of Allah "Allah's blessing and peace be upon him", that the Messenger of Allah "Allah's blessing and peace be upon him" said: "Such as practices cupping, and such as upon whom cupping is operated (while they are fasting) have broken their fast."

2371- It is narrated on the authority of Thawban that the Messenger of Allah "Allah's blessing and peace be upon him" said: "Such as practices cupping, and such as upon whom cupping is operated (while they are fasting) have broken their fast."

عَلَى رَأْسِهِ الْمَاءَ وَهُوَ صَائِمٌ مِنَ الْعَطَشِ أَوْ مِنَ الْحَرِّ».

[ت.../م...] باب الاستنشاق للصائم

2366 ـ حدّثنا قُتَيْبَةُ بنُ سَعِيدٍ، قال: حدَّثنا يَحْيَى بنُ سُلَيْمٍ، عنْ إِسْمَاعِيلَ بنِ كَثِيرٍ، عن عَاصِمِ بنِ لَقِيطِ بنِ صَبْرَةَ، عنْ أَبِيهِ لَقِيطِ بنِ صَبْرَةَ قالَ: قال رَسُولُ اللَّهِ ﷺ: «**بَالِغْ في الاسْتِنْشَاقِ إلاَّ أَنْ تكُونَ صَائِمًا**».

[ت28/م29] ـ باب في الصائم يَحْتَجِم

2367 ـ حدّثنا مُسَدَّدٌ: حدَّثنا يَحْيَى، عن هِشَامٍ. (ح) وحدَّثنا أَحْمَدُ بنُ حَنْبَلٍ: حدَّثنا حَسَنُ بنُ مُوسَى: حدَّثنا شَيْبَانُ، جَمِيعًا عن يَحْيَى، عن أبي قِلاَبَةَ، عنْ أَبِي أَسْمَاءَ ـ يَعْني الرَّحَبيَّ ـ، عنْ ثَوبَان عن النَّبيِّ ﷺ قال: «**أَفْطَرَ الْحَاجِمُ وَالْمَحْجُومُ**».

قال شَيْبَانُ في حَدِيثِهِ قالَ: «أخبرني أبو قِلاَبَةَ أَنَّ أبا أَسْمَاءَ الرَّحَبيَّ حدَّثَهُ أنَّ ثَوْبَانَ مَوْلَى رَسُولِ اللَّهِ ﷺ أَخْبَرَهُ أَنَّهُ سَمِعَ النَّبيَّ ﷺ».

2368 ـ حدّثنا أَحْمَدُ بنُ حَنْبَلٍ: حدَّثنا حَسَنُ بنُ مُوسَى: حدَّثنا شَيْبَانُ، عن يَحْيَى، قال: حَدَّثَنِي أبو قِلاَبَةَ الْجَرْمِيُّ أَنَّهُ أَخْبَرَهُ أَنَّ شَدَّادَ بنَ أَوْسٍ بَيْنَمَا هُوَ يَمْشِي مَعَ النَّبيِّ ﷺ، فَذَكَرَ نَحْوَهُ.

2369 ـ حدّثنا مُوسَى بنُ إِسْمَاعِيلَ: حدَّثنا وُهَيْبٌ: حدَّثنا أَيُّوبُ، عن أَبِي قِلاَبَةَ، عن أَبِي الأَشْعَثِ، عن شَدَّادِ بنِ أَوْسٍ: أَنَّ رَسُولَ اللَّهِ ﷺ أَتَى عَلَى رَجُلٍ بِالْبَقِيعِ وَهُوَ يَحْتَجِمُ وَهُوَ آخِذٌ بِيَدِي لِثَمَانِ عَشْرَةَ خَلَتْ مِنْ رَمَضَانَ، فقال: «**أَفْطَرَ الْحَاجِمُ وَالْمَحْجُومُ**».

قال أَبُو دَاوُدَ: رَوَى خالِدٌ الْحَذَّاءُ عن أبي قِلاَبَةَ بإِسْنَادِ أَيُّوبَ مِثْلَهُ.

2370 ـ حدّثنا أَحْمَدُ بنُ حَنْبَلٍ: حدَّثنا مُحَمَّدُ بنُ بَكْرٍ وَعَبْدُ الرَّزَّاقِ. (ح) وحدَّثنا عُثْمَانُ بنُ أبي شَيْبَةَ: حدَّثنا إِسْمَاعِيلُ ـ يَعني ابنَ إبراهِيمَ ـ، عن ابنِ جُرَيْجٍ: أخبرني مَكْحُولٌ أَنَّ شَيْخًا مِنَ الْحَيِّ ـ قال عُثْمَانُ في حَدِيثِهِ: مُصَدَّقًا ـ أَخْبَرَهُ أَنَّ ثَوْبَانَ مَوْلَى النَّبيِّ ﷺ أَخْبَرَهُ أَنَّ نَبِيَّ اللَّهِ ﷺ قال: «**أَفْطَرَ الْحَاجِمُ وَالْمَحْجُومُ**».

2371 ـ حدّثنا مَحْمُودُ بنُ خالِدٍ: حدَّثنا مَرْوَانُ: حدَّثنا الْهَيْثَمُ بنُ حُمَيْدٍ: أخبرنا الْعَلاَءُ بنُ الْحَارِثِ، عن مَكْحُولٍ، عن أبي أَسْمَاءَ الرَّحَبِيِّ، عن ثَوْبَانَ، عن النَّبيِّ ﷺ قال: «**أَفْطَرَ الْحَاجِمُ وَالْمَحْجُومُ**».

Abu Dawud says: A Hadith like this is narrated on the authority of Ibn Thawban from his father from Makhul, through the same chain of transmission.

Abu Dawud says: I asked Ahmad: "Which narration is more authentic pertaining to the statement: "Such as practices cupping, and such as upon whom cupping is operated (while they are fasting) are considered to have broken their fast"?" he said: "The narration transmitted on the authority of Thawban through Ibn Juraij from Makhul."

[29] The Concession Pertaining To That

2372- It is narrated on the authority of Ibn Abbas that the Messenger of Allah "Allah's blessing and peace be upon him" got himself cupped while he was fasting.

Abu Dawud says: A Hadith like this is narrated on the authority of Ayyub; and also on the authority of Ikrimah from Ibn Abbas.

2373- It is narrated on the authority of Ibn Abbas that the Messenger of Allah "Allah's blessing and peace be upon him" got himself cupped while he was fasting, in the state of Ihram.

2374- It is narrated on the authority of Abd Ar-Rahman Ibn Abu Laila that he said: One from amongst the companions of the Messenger of Allah "Allah's blessing and peace be upon him" told me that the Messenger of Allah "Allah's blessing and peace be upon him" forbade both cupping (during fasting) and fasting uninterruptedly out of pity for his companions, but he did not prohibit them. It was said to him: "O Messenger of Allah! You keep fasting up to the last portion of the night, a short while before dawn." On that he said: "It is true that I keep fasting up to the last portion of the night, a short while before dawn, but my Lord provides me with food and water."

2375- It is narrated on the authority of Anas that he said: We did not abandon the cupping for the fasting person but for fear to put him to suffering.

[30] When A Fasting Person Has A Wet Dream During The Day Of The Month Of Ramadan

2376- It is narrated on the authority of Zaid Ibn Aslam from one of his companions from one of the companions of the Messenger of Allah "Allah's blessing and peace be upon him", that the Messenger of Allah "Allah's blessing and peace be upon him" said: "Such as vomits, has wet dream or gets himself cupped never (is caused to) break his fasting."

قال أَبُو دَاوُدَ: رَوَاهُ ابنُ ثَوْبَانَ عن أبيهِ عن مكْحُولٍ مِثْلَهُ بإسْنَادِهِ.

قال أَبُو دَاوُدَ: قُلْتُ لأَحْمَدَ أَي حَدِيثٍ أَصَح فِي «أَفْطَرَ الْحَاجِم وَالْمَحْجُوم»؟ قالَ: حديثُ ثوبان. قلتُ: حديثُ معدان أو حديث أبي أسماء. قَالَ: حَدِيثُ ابنُ جُرَيْجٍ عَنْ مَكْحُولٍ عن شَيْخٍ مِن الْحَيِّ عَنْ ثَوْبَانَ. قال أَبُو داوُدَ: اسْمُ أَبِي أَسْمَاءَ الرَّحْبِيِّ عَبْد اللَّهِ بن أَسْمَاءَ. وأَبُو رَاشِدٍ الْحَبْرَانِيّ اسْمُهُ أَخْضَر، هُوَ ابنُ خَوْطٍ.

[ت29/م30] ـ باب في الرخصة في ذلك

2372 ـ حدّثنا أَبُو مَعْمَرٍ عَبْدُ اللَّهِ بنُ عَمْرٍو: حدَّثنا عَبْدُ الْوَارِثِ، عن أَيُّوبَ، عن عِكْرِمَةَ، عن ابنِ عَبَّاسٍ: «أَنَّ رَسُولَ اللَّهِ ﷺ احْتَجَمَ وَهُوَ صَائِمٌ».

قال أَبُو دَاوُدَ: رَوَاهُ وُهَيْبُ بنُ خَالِدٍ، عَنْ أَيُّوبَ بإسْنَادِهِ مِثْلَهُ. وَجَعْفَرُ بنُ رَبِيعَةَ وَهِشَامٌ ـ يَعني ابنَ حَسَّانَ ـ، عن عِكْرِمَةَ، عن ابنِ عَبَّاسٍ مِثْلَهُ.

2373 ـ حدّثنا حَفْصُ بنُ عُمَرَ: حدَّثنا شُعْبَةُ، عن يَزِيدَ بنِ أبي زِيَادٍ، عن مِقْسَمٍ، عن ابنِ عَبَّاسٍ: «أَنَّ رَسُولَ اللَّهِ ﷺ احْتَجَمَ وَهُوَ صَائِمٌ مُحْرِمٌ».

2374 ـ حدّثنا أَحْمَدُ بنُ حَنْبَلٍ: حدَّثنا عَبْدُ الرَّحْمٰنِ بنُ مَهْدِيٍّ، عن سُفْيَانَ، عن عَبْدِ الرَّحْمٰنِ بنِ عَابِس، عن عَبْدِ الرَّحْمٰنِ بنِ أبي لَيْلَى: حَدَّثَني رَجُلٌ مِنْ أَصْحَابِ النَّبيِّ ﷺ: أَنَّ رَسُولَ اللَّهِ ﷺ نَهَى عن الْحِجَامَةَ وَالمُوَاصَلَة ولم يُحَرِّمْهُمَا إبْقَاءً عَلَى أَصْحَابِهِ، فَقِيلَ لَهُ: يَا رَسُولَ اللَّهِ إنَّكَ تُوَاصِلُ إلَى السَّحَرِ، فقال: «**إنِّي أُوَاصِلُ إلى السَّحَرِ وَرَبِّي يُطْعِمُنِي وَيَسْقِينِي**».

2375 ـ حدّثنا عَبْدُ اللَّهِ بنُ مَسْلَمَةَ: حدَّثنا سُلَيْمَانُ ـ يَعني ابنَ المُغِيرَةِ ـ، عن ثَابِتٍ قال: قال أَنَسٌ: «مَا كُنَّا نَدَعُ الحِجَامَةَ لِلصَّائِمِ إلاَّ كَرَاهِيَةَ الْجَهْدِ».

[ت30/م31] ـ باب في الصائم يَحْتَلِم نهارًا في شهر رمضان

2376 ـ حدّثنا مُحَمَّدُ بنُ كَثِيرٍ: أخبرنا سُفْيَانُ، عن زَيْدِ بنِ أَسْلَمَ، عن رَجُلٍ مِنْ أَصْحَابِهِ، عن رَجُلٍ مَنْ أَصْحَابِ النَّبيِّ ﷺ قال: قال رَسُولُ اللَّهِ ﷺ: «**لا يُفْطِرُ مَنْ قَاءَ وَلاَ مَنِ احْتَلَمَ وَلاَ مَنِ احْتَجَمَ**».

[31] When a fasting person outs kohl while he is sleeping

2377- It is narrated on the authority of Abd Ar-Rahman Ibn An-Nu'man Ibn Ma'bad Ibn Hudhah from his father from his grandfather that the Messenger of Allah "Allah's blessing and peace be upon him" prompted (the people) to apply antimony (to their eyes as kohl) on going to bed, and said: "And let the fasting person refrain from it."

Abu Dawud says: Yahya Ibn Ma'in said to me: This narration is denied.

2378- It is narrated on the authority of Anas Ibn Malik that he used to apply kohl to his eyes while he was fasting.

2379- It is narrated on the authority of Al-A'mash that he said: I never saw anyone of our companions having disliked applying kohl to the eyes of the fasting person; and furthermore, Ibrahim gave concession for a fasting person to apply aloes to his eyes as kohl.

[32] When A Fasting Person Gets Himself Vomit Intentionally

2380- It is narrated on the authority of Abu Hurairah that he said: the Messenger of Allah "Allah's blessing and peace be upon him" said: "He, who is forced to vomit while fasting, no fast in lieu is incumbent upon him; and he who gets himself vomit intentionally, observing a fast in lieu becomes incumbent upon him."

Abu Dawud says: We fear this narration might not be famous. He further says: I heard Ahmad having said: This narration is of no significance, and the authentic narration in this respect is that transmitted by Malik on the authority of Nafi' from Ibn Umar.

Abu Dawud says: A Hadith like this is narrated on the authority of Hafs Ibn Ghayyath from Hisham through another chain of transmission.

2381- It is narrated on the authority of Ma'dan Ibn Talhah that Abu Ad-Darda' told him that once, the Messenger of Allah "Allah's blessing and peace be upon him" vomited and he broke his fast (because of that). Later on, I met Thawban, the freed slave of the Messenger of Allah "Allah's blessing and peace be upon him" in the mosque of Damascus, and told him that Abu Ad-Darda' told me that once, the Messenger of Allah "Allah's blessing and peace be upon him" vomited and he broke his fast (because of that). On that he said: He has told the truth, and (on that very day) I poured (water for him to offer) ablution "Peace be upon him".

[33] What About The Kiss From The Part Of A Fasting Person

2382- It is narrated on the authority of A'ishah that she said: "The Messenger of Allah "Allah's blessing and peace be upon him" used to kiss

[ت31/م32] ـ باب في الكُحْل
عند النوم للصائم

2377 ـ حدّثنا النُّفَيْلِيُّ: حدَّثنا عَلِيُّ بنُ ثَابِتٍ: حدَّثني عَبْدُ الرَّحْمٰنِ بنُ النُّعْمَانِ ابنِ مَعْبَدِ بنِ هَوْذَةَ، عن أبيهِ، عن جَدِّهِ، عن النَّبيِّ ﷺ: أنَّهُ أمَرَ بالإثْمِدِ المُرَوَّحِ عِنْدَ النَّوْمِ وَقال: «**لِيَتَّقِهِ الصَّائِمُ**».

قال أَبُو دَاوُدَ: قال لِي يَحْيَى بنُ مَعِين: «هُوَ حَدِيثٌ مُنْكَرٌ، يَعني حَدِيثَ الْكُحْلِ.

2378 ـ حدّثنا وَهْبُ بنُ بَقِيَّةَ: أخبرنا أَبُو مُعَاوِيَةَ، عن عُتْبَةَ أبي مُعَاذٍ، عن عُبَيْدِ اللَّهِ بنِ أبي بَكْرِ بنِ أنَسٍ، عن أنَسِ بنِ مَالِكٍ أنَّهُ كَانَ يَكْتَحِلُ وَهُوَ صَائِمٌ.

2379 ـ حدّثنا مُحَمَّدُ بنُ عَبْدِ اللَّهِ المُخَرِّمِيُّ وَيَحْيَى بنُ مُوسَى الْبَلْخِيُّ قالا: حدَّثنا يَحْيَى بنُ عِيسَى، عن الأعمَشِ، قال: مَا رَأَيْتُ أحَدًا من أصحَابِنَا يَكْرَهُ الْكُحْلَ لِلصَّائِمِ وَكَانَ إبْرَاهِيمُ يُرَخِّصُ أنْ يَكْتَحِلَ الصَّائِمُ بالصَّبِرِ.

[ت32/م33] ـ باب الصائم يستقيء القيء عامدًا

2380 ـ حدّثنا مُسَدَّدٌ: حدَّثنا عِيسَى بنُ يُونُسَ: حدَّثنا هِشَامُ بنُ حَسَّانَ، عن مُحَمَّدِ بنِ سِيرِينَ، عن أبي هُرَيْرَةَ قال: قال رَسُولُ اللَّهِ ﷺ: «**مَنْ ذَرَعَهُ قَيْءٌ وَهُوَ صَائِمٌ فَلَيْسَ عَلَيْهِ قَضَاءٌ، وَإنِ اسْتَقَاءَ فَلْيَقْضِ**».

قال أَبُو دَاوُدَ: نخاف ألا يكون محفوظًا.

قال أَبُو دَاوُدَ: سمعت أحمدَ يقول: ليس من ذا شيْء والصحيح في هذا عن مالكٍ عن نافعٍ عن ابنِ عُمَرَ.

قال أَبُو دَاوُدَ: رَوَاهُ أَيْضًا حَفْصُ بنُ غِيَاثٍ عن هِشَامٍ مِثْلَهُ.

2381 ـ حدّثنا أبُو مَعْمَرٍ عَبْدُ اللَّهِ بنُ عُمَرٍو: حدَّثنا عَبْدُ الْوَارِثِ: حدَّثنا الْحُسَيْنُ، عن يَحْيَى، حدَّثني عَبْدُ الرَّحْمٰنِ بنُ عَمْرٍو الأَوْزَاعِيُّ، عن يَعِيشَ بنِ الْوَلِيدِ بنِ هِشَامٍ أنَّ أبَاهُ حَدَّثَهُ، قال: حدَّثني مَعْدَانُ بنُ طَلْحَةَ أنَّ أبَا الدَّرْدَاءِ حَدَّثَهُ: «أنَّ رَسُولَ اللَّهِ ﷺ قَاءَ فأفْطَرَ فَلَقِيتُ ثَوْبَانَ مَوْلَى رَسُولِ اللَّهِ ﷺ في مَسْجِدِ دِمَشْقَ فَقُلْتُ لَهُ: إنَّ أبَا الدَّرْدَاءِ حدَّثَني: أنَّ رَسُولَ اللَّهِ ﷺ قَاءَ فأفْطَرَ. قال: صَدَقَ، وَأنَا صَبَبْتُ لَهُ وَضُوءَهُ ـ ﷺ ـ».

[ت33/م34] ـ باب القُبْلة للصائم

2382 ـ حدّثنا مُسَدَّدٌ: حدَّثنا أبُو مُعَاوِيَةَ، عن الأعمَشِ، عن إبْرَاهِيمَ، عن الأسْوَدِ وَعَلْقَمَةَ، عن عَائِشَةَ قالَتْ: «كَانَ رَسُولُ اللَّهِ ﷺ يُقَبِّلُ وَهُوَ صَائِمٌ وَيُبَاشِرُ وَهُوَ

and further approach (his wives) while he was fasting, and he was the most powerful to have control over his sexual desire.

2383- It is narrated on the authority of A'ishah that she said: The Messenger of Allah "Allah's blessing and peace be upon him" used to kiss (his wives while fasting) during the month of fasts (i.e. the month of Ramadan).

2384- It is narrated on the authority of A'ishah that she said: (So many times) the Messenger of Allah "Allah's blessing and peace be upon him" kissed me while both he and I were fasting.

2385- It is narrated on the authority of Jabir Ibn Abdullah that Umar Ibn Al-Khattab said: I became happy for something, thereupon I kissed (my wife) while I was fasting. I said to the Messenger of Allah "Allah's blessing and peace be upon him": "O Messenger of Allah! Today, I've did a grievous matter! I've kissed (my wife) while I was fasting." He asked: "Tell me: if you rinse your mouth with water while you are fasting (what harm will it cause to you?)" he said: "There is no harm in it." On that he said: "This is like that."

[34] A Fasting Person Swallows His Saliva

2386- It is narrated on the authority of A'ishah that the Messenger of Allah "Allah's blessing and peace be upon him" (so many times) kissed her and touched her tongue while he was fasting.

Ibn Al-Arabi said: I was reported on the authority of Abu Dawud that he said: This chain of transmission is invalid.

[35] It Is Undesirable For A Young Man To Do So

2387- It is narrated on the authority of Abu Hurairah that a man asked the Messenger of Allah "Allah's blessing and peace be upon him" about approaching his wife while he was fasting (i.e. to kiss her, fondle her...without having sexual relation with her), and the Messenger of Allah "Allah's blessing and peace be upon him" gave him concession. Another man came and asked him (about the same), and he forbade him. Behold! Such as was given concession was an old man, and the other who was forbidden was a young man.

[36] What About Such As Upon Whom Morning Comes While Being In A State Of Ceremonial Impurity During Ramadan

2388- It is narrated on the authority of both A'ishah and Umm Salamah, the wives of the Messenger of Allah "Allah's blessing and peace be upon

صَائِمٌ، وَلَكِنَّهُ كَانَ أَمْلَكَ لإِرْبِهِ».

2383 ـ حدّثنا أبُو تَوْبَةَ الرَّبِيعُ بنُ نَافِعٍ: حدَّثنا أبُو الأحْوَصِ، عن زِيَادِ بنِ علاقَةَ، عن عَمْرِو بنِ مَيْمُونٍ، عن عَائِشَةَ رضي اللَّهِ عَنها قَالَتْ: «كَانَ النَّبيُّ ﷺ يُقبِّلُ في شَهْرِ الصَّوْمِ».

2384 ـ حدّثنا مُحَمَّدُ بنُ كَثِيرٍ: أخبرنا سُفْيَانُ، عن سَعْدِ بنِ إبْرَاهِيمَ، عن طَلْحَةَ بنِ عَبْدِ اللَّهِ ـ يَعني ابنَ عُثْمَانَ الْقُرَشِيَّ ـ، عن عَائِشَةَ رضي اللَّهُ عنها قالَتْ: «كَانَ رَسُولُ اللَّهِ ﷺ يُقَبِّلُنِي وَهُوَ صَائِمٌ وَأنَا صَائِمَةٌ».

2385 ـ حدّثنا أحْمَدُ بنُ يُونُسَ: حدَّثنا اللَّيْثُ. (ح) وحدَّثنا عِيسَى بنُ حَمَّادٍ: أخبرنا اللَّيْثُ بنُ سَعْدٍ، عن بَكِيرِ بنِ عَبْدِ اللَّهِ بنِ سَعِيدٍ، عن جَابِرِ بنِ عَبْدِ اللَّهِ قالَ: قالَ عُمَرُ بنُ الْخَطَّابِ: هَشِشْتُ فَقَبَّلْتُ وَأنَا صَائِمٌ، فَقُلْتُ: يا رَسُولَ اللَّهِ صَنَعْتُ الْيَوْمَ أمْرًا عَظِيمًا، قَبَّلْتُ وَأنَا صَائِمٌ، قال: **«أرَأيْتَ لَوْ مَضْمَضْتَ مِنَ الْمَاءِ وَأنْتَ صَائِمٌ»** ـ قال عِيسَى بنُ حَمَّادٍ في حَدِيثِهِ، قُلْتُ: لا بَأْسَ بِهِ، ثُمَّ اتَّفَقَا، قال ـ **«فَمَهْ!؟»**.

[ت34/م35] ـ باب الصائم يَبْلَع الرِّيق

2386 ـ حدّثنا مُحَمَّدُ بنُ عِيسَى: حدَّثنا مُحَمَّدُ بنُ دِينَارٍ: حدَّثنا سَعْدُ بنُ أوْسٍ الْعَبْدِيُّ، عن مِصْدَعٍ أبي يَحْيَى، عن عَائِشَةَ: «أنَّ النَّبيَّ ﷺ كَانَ يُقَبِّلُهَا وَهُوَ صَائِمٌ وَيَمَصُّ لِسَانَهَا».

قال ابنُ الأعْرَابِيِّ: بَلَغَنِي عن أبي دَاوُدَ أنَّهُ قال: هَذَا الإسْنَادُ لَيْسَ بِصَحِيحٍ.

[ت35/م36] ـ باب كراهيته للشاب

2387 ـ حدّثنا نَصْرُ بنُ عَلِيٍّ، أخبرنا أبُو أحْمَدَ ـ يَعْني الزُّبَيْرِيَّ ـ: أخبرنا إسْرَائِيلُ، عن أبي الْعَنْبَسِ، عن الأغَرِّ، عن أبي هُرَيْرَةَ: «أنَّ رَجُلاً سَأَلَ النَّبيَّ ﷺ عن الْمُبَاشَرَةِ لِلصَّائِمِ، فَرَخَّصَ لَهُ، وَأتَاهُ آخَرُ فَسَألَهُ فَنَهَاهُ، فإذَا الذي رَخَّصَ لَهُ شَيْخٌ، وَالَّذِي نَهَاهُ شَابٌّ».

[ت36/م37] ـ باب فيمن أَصْبَحَ جُنُبًا في شهر رمضان

2388 ـ حدّثنا الْقَعْنَبِيُّ، عن مَالِكٍ. (ح). وَحدثنا عَبْدُ اللَّهِ بنُ مُحَمَّدِ بنِ إسْحَاقَ الأذْرَمِيُّ: حدَّثنا عَبْدُ الرَّحْمٰنِ بنُ مَهْدِيٍّ، عن مَالِكٍ، عن عَبْدِ رَبِّهِ بنِ سَعِيدٍ،

him", that it happened that morning came upon the Messenger of Allah "Allah's blessing and peace be upon him" during the month of Ramadan while being in a state of ceremonial impurity resulting from having sexual relations with his wives, and not from a nocturnal wet dream, and he would continue fasting (after taking bath).

Abu Dawud says: A few are those who adopt the statement that morning came upon the Messenger of Allah "Allah's blessing and peace be upon him" while being in a state of ceremonial impurity during the month of Ramadan, but what is famous in this respect is that it happened that morning came upon him while being in a state of ceremonial impurity while fasting.

2389- It is narrated on the authority of A'ishah, the wife of the Messenger of Allah "Allah's blessing and peace be upon him", that a man said to the Messenger of Allah "Allah's blessing and peace be upon him" while he was at the door: "O Messenger of Allah! Sometimes morning comes upon me while I am in the state of ceremonial impurity, even though I have the intention to observe fast (on that very day)." The Messenger of Allah "Allah's blessing and peace be upon him" said: "Sometimes morning comes upon me too while I am in the state of ceremonial impurity, even though I have the intention to observe fast thereupon I would take bath and observe fast (on that very day)." The man said: "But, you are not like us, O Messenger of Allah, for Allah has forgiven for you your earlier and later sins." Upon this, the Messenger of Allah "Allah's blessing and peace be upon him" grew angry and said: "By Allah! I expect to be the most fearing of Allah among you, and the most knowledgeable among you of what I should act upon."

[37] The Expiation Of Such As Has Sexual Relation With His Wife (While Fasting) During The Month Of Ramadan

2390- It is narrated on the authority of Abu Hurairah that he said: A man came and said to The Prophet "Allah's blessing and peace be upon him": "O Messenger of Allah! I have been ruined." He asked: "What is that which has ruined you?" he said: "I had sexual intercourse with my wife (while I was fasting) during (the day of) Ramadan." Allah's Apostle "Allah's blessing and peace be upon him" asked him: "Can you afford to manumit a slave?" He replied in the negative. Allah's Apostle "Allah's blessing and peace be upon him" asked him: "Can you fast for two months consecutively?" He replied in the negative. The Prophet "Allah's blessing and peace be upon him" asked him: "Can you afford to feed

عنْ أبي بَكْرِ بنِ عَبْدِ الرَّحْمٰنِ بنِ الْحَارِثِ بنِ هِشَامٍ، عنْ عَائِشَةَ وَأُمِّ سَلَمَةَ زَوْجَي النَّبيِّ ﷺ أَنَّهُمَا قالَتا: «كَانَ رَسُولُ اللَّهِ ﷺ يُصْبِحُ جُنُبًا»، قال عَبْدُ اللَّهِ الأَذْرَمِيُّ في حَدِيثِهِ: «في رَمَضَانَ مِنْ جِمَاعٍ غَيْرِ احْتِلَامٍ ثُمَّ يَصُومُ».

قال أَبُو دَاوُدَ: مَا أَقَلَّ مَنْ يَقُولُ هَذِهِ الْكَلِمَةَ ـ يَعْني يُصْبِحُ جُنُبًا في رَمَضَانَ ـ وَإِنَّمَا الحدِيثُ «أَنَّ النَّبيَّ ﷺ كَانَ يُصْبِحُ جُنُبًا وَهُوَ صَائِمٌ».

2389 ـ حدَّثنا عَبْدُ اللَّهِ بنُ مَسْلَمَةَ ـ يَعْني الْقَعْنَبِيَّ ـ، عن مَالِكٍ، عن عَبْدِ اللَّهِ بنِ عَبْدِ الرَّحْمٰنِ بن مَعْمَرٍ الأَنْصَارِيِّ، عن أبي يُونُسَ مَوْلَى عَائِشَةَ رَضِيَ اللَّهِ عنها، عنْ عَائِشَةَ زَوْجِ النَّبيِّ ﷺ: أَنَّ رَجُلاً قالَ لِرَسُولِ اللَّهِ ﷺ وَهُوَ وَاقِفٌ عَلَى الْبَابِ: يَا رَسُولَ اللَّهِ إِنِّي أُصْبِحُ جُنُبًا وَأَنَا أُرِيدُ الصِّيَامَ، فقال رَسُولُ اللَّهِ ﷺ: «**وَأَنَا أُصْبِحُ جُنُبًا وَأَنَا أُرِيدُ الصِّيَامَ فَأَغْتَسِلُ وَأَصُومُ**»، فقال الرَّجُلُ: يَا رَسُولَ اللَّهِ، إِنَّكَ لَسْتَ مِثْلَنَا، قَدْ غَفَرَ اللَّهُ لَكَ مَا تَقَدَّمَ مِنْ ذَنْبِكَ وَمَا تَأَخَّرَ، فَغَضِبَ رَسُولُ اللَّهِ ﷺ وَقال: «**وَاللَّهِ إِنِّي لأَرْجُو أَنْ أَكُونَ أَخْشَاكُمْ للَّهِ وَأَعْلَمَكُم بِمَا أَتَّبِعُ**».

[ت37/م38] ـ باب كَفَّارة من أتى أهله في شهر رمضان

2390 ـ حدَّثنا مُسَدَّدٌ وَمُحَمَّدُ بنُ عِيسَى، المعنى، قالاَ: حدَّثنا سُفْيَانُ، قال مُسَدَّدٌ: قال: حدَّثنا الزُّهْرِيُّ، عن حُمَيْدِ بنِ عَبْدِ الرَّحْمٰنِ، عن أَبِي هُرَيْرَةَ قال: أَتَى رَجُلٌ النَّبيَّ ﷺ فقالَ: هَلَكْتُ، فقال: «**مَا شَأْنُكَ؟**» قال: وَقَعْتُ عَلَى امْرَأَتِي في رَمَضَانَ، قال: «**فَهَلْ تَجِدُ مَا تُعْتِقُ رَقَبَةً؟**» قال: لاَ، قال: «**فَهَلْ تَسْتَطِيعُ أَنْ تَصُومَ شَهْرَيْنِ مُتَتَابِعَيْنِ؟**» قال: لاَ، قال: «**فَهَلْ تَسْتَطِيعُ أَنْ تُطْعِمَ سِتِّينَ مِسْكِينًا؟**» قال: لاَ، قال: «**اجْلِسْ**»، فَأُتِيَ

sixty poor persons?" He replied in the negative. Then a big basket full of dates was brought to The Prophet "Allah's blessing and peace be upon him". He said: "Take this (basket of dates) and give it in charity." The man said: "(Is there) anyone more needy than us between Medina's two mountains?" The Prophet "Allah's blessing and peace be upon him" smiled so much that his premolar teeth became visible. Then, he said: "(Take it and) go and feed your family with it."

2391- The same is narrated on the authority of Az-Zuhri, with the following addition by Al-Jawhari: This was a concession given to that man in particular, and if anyone does so now, he should inevitably make expiation for it.

Abu Dawud says: The same is narrated by Al-Laith, Al-Awza'i, Mansur Ibn Al-Mu'tamir, Irak Ibn Malik, and in the narration of Al-Awza'i, the man was required to ask for Allah's Forgiveness.

2392- It is narrated on the authority of Abu Hurairah that a man broke his fast during the month of Ramadan (as a result of having sexual intercourse with his wife while fasting), thereupon the Messenger of Allah "Allah's blessing and peace be upon him" ordered him to manumit a slave, or (if he could not find) to observe two-month fasts consecutively, or (if he has no power to do so) to feed sixty indigent persons. The man said to him: "O Messenger of Allah! I could not afford for that." The Messenger of Allah "Allah's blessing and peace be upon him" ordered him to sit down. Later, a basket full of dates was brought to the Messenger of Allah "Allah's blessing and peace be upon him", who gave it to him and said: "Take it and give it in charity." He said: "O Messenger of Allah! There is none, more needy (and fitting for charity) than me." On that the Messenger of Allah "Allah's blessing and peace be upon him" smiled so much that his premolar teeth became visible, and said to him: "Eat it."

Abu Dawud says: The same is narrated on the authority of Ibn Juraij from Az-Zuhri, in which he told that the Messenger of Allah "Allah's blessing and peace be upon him" said to him: "Let you manumit a slave, or observe two-month fasts consecutively, or feed sixty indigent persons (as expiation)."

2393- It is narrated on the authority of Abu Hurairah that a man came to the Messenger of Allah "Allah's blessing and peace be upon him", and he had broken his fast (as a result of having sexual relation with his wife while fasting during the month) of Ramadan...and the rest is the same, in which a basket containing nearly fifteen Sa's of dates was brought to the Messenger

النَّبيُّ ﷺ بعَرَقٍ فِيهِ تَمْرٌ فقال: «**تَصَدَّقْ بِهِ**»، فقال: يا رَسُولَ اللَّهِ مَا بَيْنَ لابَتَيْهَا أَهْلُ بَيْتٍ أَفْقَرُ مِنَّا، قال: فَضَحِكَ رَسُولُ اللَّهِ ﷺ حَتَّى بَدَتْ ثَنَايَاهُ، قال: «**فَأَطْعِمْهُ إِيَّاهُمْ**»، وَقالَ مُسدَّدٌ في مَوْضِعٍ آخَرَ: «أَنْيَابُهُ».

2391 ـ حدّثنا الْحَسَنُ بنُ عَلِيٍّ: حدَّثنا عَبْدُ الرَّزَّاقِ: أَخبرنا مَعْمَرٌ، عن الزُّهْرِيِّ بِهذا الْحَدِيثِ بِمَعْنَاهُ. زَادَ الزُّهْرِيُّ: وَإِنَّمَا كَانَ هَذا رُخْصَةً لَهُ خَاصَّةً فَلَوْ أَنَّ رَجُلاً فَعَلَ ذَلِكَ الْيَوْمَ لَمْ يَكُنْ لَهُ بُدٌّ مِنَ التَّكْفِيرِ.

قال أَبُو دَاوُدَ: رَوَاهُ اللَّيْثُ بنُ سَعْدٍ، وَالأَوْزَاعِيُّ، وَمَنْصُورُ بنُ الْمُعْتَمِرِ، وَعِرَاكُ بنُ مَالِكٍ، عَلَى مَعْنى ابنِ عُيَيْنَةَ. زَادَ فِيهِ الأَوْزَاعِيُّ: «**وَاسْتَغْفِرِ اللَّهَ**».

2392 ـ حدّثنا عَبْدُ اللَّهِ بنُ مَسْلَمَةَ، عن مَالِكٍ، عن ابنِ شِهَابٍ، عن حُمَيْدِ بنِ عَبْدِ الرَّحْمٰنِ، عنْ أَبي هُرَيْرَةَ: أَنَّ رَجُلاً أَفْطَرَ في رَمَضَانَ فأَمَرَهُ رَسُولُ اللَّهِ ﷺ أَنْ يُعْتِقَ رَقَبَةً، أَوْ يَصُومَ شَهْرَيْنِ مُتَتَابِعَيْنِ، أَوْ يُطْعِمَ سِتِّينَ مِسْكِينًا. قالَ: لاَ أَجِدُ. فقال لَهُ رَسُولُ اللَّهِ ﷺ: «**اجْلِسْ**»، فَأُتِيَ رَسُولُ اللَّهِ ﷺ بعَرَقٍ فِيهِ تَمْرٌ فقال: «**خُذْ هَذا فَتَصَدَّقْ بِهِ**». فقال: يَا رَسُولَ اللَّهِ مَا أَحَدٌ أَحْوَجُ مِنِّي، فَضَحِكَ رَسُولُ اللَّهِ ﷺ حَتى بَدَتْ أَنْيَابُهُ، وَقالَ لَهُ: «**كُلْهُ**».

قال أَبُو دَاوُدَ: وَرَوَاهُ ابنُ جُرَيْجٍ عن الزُّهْرِيِّ عَلَى لَفْظِ مَالِكٍ: أَنَّ رَجُلاً أَفْطَرَ، وَقالَ فِيهِ: «**أَوْ تَعْتِقَ رَقَبَةً، أَوْ تَصُومَ شَهْرَيْنِ أَوْ تُطْعِمَ سِتِّينَ مِسْكِينًا**».

2393 ـ حدّثنا جَعْفَرُ بنُ مُسَافِرٍ التِّنِّيسِيُّ: حدَّثنا ابنُ أَبي فُدَيْكٍ: حدَّثنا هِشَامُ بنُ سَعْدٍ، عن ابنِ شِهَابٍ، عنْ أَبي سَلَمَةَ بنِ عَبْدِ الرَّحْمٰنِ، عن أَبي هُرَيْرَةَ قالَ: جَاءَ رَجُلٌ إلى النَّبيِّ ﷺ أَفطَرَ في رَمَضَانَ بِهذَا الْحَدِيثِ قالَ: فَأُتِيَ بِعَرَقٍ فِيهِ تَمْرٌ قَدْرَ خَمْسَةَ عَشَرَ صَاعًا وَقالَ فِيهِ: «**كُلْهُ أَنْتَ وَأَهْلُ بَيْتِكَ وَصُمْ يَوْمًا وَاسْتَغْفِرِ اللَّهَ**».

of Allah "Allah's blessing and peace be upon him", who gave it to him and said: "Both you and your dependents might eat of it, and observe a fast, and ask for Allah's Forgiveness."

2394- It is narrated on the authority of A'ishah that she said: A man came to The Messenger of Allah "Allah's blessing and peace be upon him" in the mosque during (the month of) Ramadan and said: "O Messenger of Allah! I've been burnt!" The Messenger of Allah "Allah's blessing and peace be upon him" asked him what his matter was, and he said: "I had sexual intercourse with my wife (while being fasting)." He (The Prophet) said (to him): "Give in charity!" he said: "O Prophet of Allah! By Allah! I have nothing (to give), and I have no power to afford anything." He (The Prophet) said (to him): "Sit down." He sat down, and while he was in that state, another man came, driving a donkey, on which there was (a load of) food. The Messenger of Allah "Allah's blessing and peace be upon him" said: "Where is the one who has been burnt?" the man stood up. The Messenger of Allah "Allah's blessing and peace be upon him" said: "Give this (food) in charity." He said: "O Messenger of Allah! (Is there) anyone (poorer) than us (I and my family)? By Allah! We are hungry, and we have nothing (to eat)." He said: "Then, (take and) eat it."

2395- It is narrated on the authority of A'ishah that she related this story and said in it: A basket containing twenty Sa's (of dates) was brought to the Messenger of Allah "Allah's blessing and peace be upon him".

[38] The Severe Punishment Of Such As Breaks His Fast (During Ramadan) Intentionally

2396- It is narrated on the authority of Abu Hurairah that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "He, who breaks a fast of (the fasts of the month of Ramadan intentionally) with no concession given to him by Allah (nor legal excuse), nothing would exempt him (from the sin thereof) even though he keeps fasting all the time."

2397- A Hadith like this is narrated on the authority of Abu Hurairah from the Messenger of Allah "Allah's blessing and peace be upon him", through the same chain of transmission.

[39] When One Eats Forgetfully (While Fasting)

2398- It is narrated on the authority of Abu Hurairah that he said: A man came to the Messenger of Allah "Allah's blessing and peace be upon him" and said: "O Messenger of Allah! I ate and drank forgetfully while fasting." On that the Messenger of Allah "Allah's blessing and peace be upon him"

2394 ـ حدّثنا سُلَيْمَانُ بنُ دَاوُدَ المَهْرِيُّ: أخبرنا ابنُ وَهْبٍ: أخبرني عَمْرُو بنُ الْحَارِثِ أَنَّ عَبْدَ الرَّحْمٰنِ بنَ الْقَاسِمِ حَدَّثَهُ أَنَّ مُحَمَّدَ بنَ جَعْفَرِ بنِ الزُّبَيْرِ حَدَّثَهُ أَنَّ عَبَّادَ بنَ عَبْدِ اللَّهِ بنِ الزُّبَيْرِ: حَدَّثَهُ أَنَّهُ سَمِعَ عَائِشَةَ زَوْجَ النَّبِيِّ ﷺ تَقُولُ: أَتَى رَجُلٌ إِلى النَّبِيِّ ﷺ في المَسْجِدِ في رَمَضَانَ فَقالَ: يَا رَسُولَ اللَّهِ احْتَرَقْتُ فَسَأَلَهُ النَّبِيُّ ﷺ **«مَا شَأْنُهُ»** فَقالَ: أَصَبْتُ أَهْلِي؟ قال: **«تَصَدَّقْ»** قال: وَاللَّهِ مَا لي شَيْءٌ وَلاَ أَقْدِرُ عَلَيْهِ، قال: **«اجْلِسْ»** فَجَلَسَ، فَبَيْنَمَا هُوَ عَلَى ذَلِكَ أَقْبَلَ رَجُلٌ يَسُوقُ حِمارًا عَلَيْهِ طَعَامٌ فقالَ رَسُولُ اللَّهِ ﷺ: **«أَيْنَ الْمُحْتَرِقُ آنِفًا»** فقامَ الرَّجُلُ، فَقالَ رَسُولُ اللَّهِ ﷺ: **«تَصَدَّقْ بِهَذَا»**، فقال: يا رَسُولَ اللَّهِ أَعَلَى غَيْرِنَا؟ فَوَاللَّهِ إِنَّا لَجِيَاعٌ مَا لَنَا شَيْءٌ! قال: **«كُلُوهُ»**.

2395 ـ حدّثنا مُحَمَّدُ بنُ عَوْفٍ: حدَّثنا سَعِيدُ بنُ أَبِي مَرْيَمَ: حدَّثنا ابنُ أَبِي الزِّنَادِ، عن عَبْدِ الرَّحْمٰنِ بنِ الْحَارِثِ، عن مُحَمَّدِ بنِ جَعْفَرِ بنِ الزُّبَيْرِ، عن عَبَّادِ بنِ عَبْدِ اللَّهِ، عن عَائِشَةَ بِهَذِهِ الْقِصَّةِ قال: «فَأُتِيَ بِعَرَقٍ فِيهِ عِشْرُونَ صَاعًا».

[ت38/م39] ـ باب التغليظ في مَنْ أفطر عمدًا

2396 ـ حدّثنا سُلَيْمَانُ بنُ حَرْبٍ قال: حدَّثنا شُعْبَةُ. (ح)، وَحدثنا مُحَمَّدُ بنُ كَثِيرٍ، أَنبأَنَا شُعْبَةُ، عن حَبِيبِ بنِ أَبِي ثَابِتٍ، عنْ عُمَارَةَ بنِ عُمَيْرٍ، عن ابنِ مُطَوِّسٍ، عنْ أَبِيهِ، قالَ ابنُ كَثِيرٍ عنْ أَبي الْمُطَوِّسِ، عن أَبِيهِ، عن أَبِي هُرَيْرَةَ قال: قال رَسُولُ اللَّهِ ﷺ: **«مَنْ أَفْطَرَ يَوْمًا مِنْ رَمَضَانَ في غَيْرِ رُخْصَةٍ رَخَّصَهَا اللَّهُ لَهُ لَمْ يَقْضِ عَنْهُ صِيَامُ الدَّهْرِ»**.

2397 ـ حدّثنا أَحْمَدُ بنُ حَنْبَلٍ: حدَّثَني يَحْيَى بنُ سَعِيدٍ، عنْ سُفْيَانَ: حَدَّثَني حَبِيبٌ، عن عُمَارَةَ، عن ابنِ الْمُطَوِّسِ قالَ: فَلَقِيتُ ابنَ الْمُطَوِّسِ فَحَدَّثَني عن أَبِيهِ عن أَبِي هُرَيْرَةَ قال: قال النَّبِيُّ ﷺ مِثْلَ حَدِيثِ ابنِ كَثِيرٍ وَسُلَيْمَانَ.

قال أَبُو دَاوُدَ: واخْتُلِفَ عَلَى سُفْيَانَ وَشُعْبَةَ عَنْهُمَا ابنُ الْمُطَوِّسِ وَأَبُو الْمُطَوِّسِ.

قال أَبُو دَاوُدَ: وزعموا أنه ابن المطوس، وأبو المطوس.

[ت39/م40] ـ باب من أكل ناسيًا

2398 ـ حدّثنا مُوسَى بنُ إِسْمَاعِيلَ: حدَّثنا حَمَّادٌ، عن أَيُّوبَ وَحَبِيبٌ وَهِشَامٌ، عن مُحَمَّدِ بنِ سِيرِينَ، عن أَبي هُرَيْرَةَ قال: جَاءَ رَجُلٌ إِلَى النَّبِيِّ ﷺ فَقالَ: يَا رَسُولَ اللَّهِ إِنِّي أَكَلْتُ وَشَرِبْتُ نَاسِيًا وَأَنَا صَائِمٌ، فقال: **«اللَّهُ أَطعمك وَسَقَاكَ»**.

said to him: "Indeed, Allah Almighty has provided you with food and drink." (This applies only to the fasts of Ramadan; and it is well-known that if one is fasting voluntarily, and he eats or drinks forgetfully, his fast will have been broken.)

[40] The Delay To Observe The Missed Fasts Of Ramadan

2399- It is narrated on the authority of A'ishah that she said: Sometimes I missed some days of Ramadan (because of getting menses), but could not fast in lieu of them except in the month of Sha'ban. (That's because she was in the state of being ready all the time, the same as were all of his wives, for receiving the Messenger of Allah "Allah's blessing and peace be upon him" to take pleasure from her whenever he liked.)

[41] When One Dies And Fasts Are Due Upon Him

2400- It is narrated on the authority of A'ishah that the Messenger of Allah "Allah's blessing and peace be upon him" said: "He, who dies and fasts are due upon him, let his heir observe those fasts on his behalf."

Abu Dawud says: This applies to the vows of fasts, and this is the opinion of Ahmad Ibn Hanbal.

2401- It is narrated on the authority of Ibn Abbas that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "If one becomes ill during the month of Ramadan and dies without observing (all or some of) the fasts of Ramadan, food should be given in charity on his behalf (as expiation), and no fasts are due upon him (or his heir); and if he has a vow (of fasts) due upon him, his heir should fulfill it on his behalf."

[42] What About Observing Fast On Journey?

2402- It is narrated on the authority of A'ishah that she said: Hamzah Al-Aslami asked the Messenger of Allah "Allah's blessing and peace be upon him": "O Messenger of Allah! It is my habit to observe fasts (regularly): should I observe fasts on journey?" The Messenger of Allah "Allah's blessing and peace be upon him" said: "Observe fasts (on journey) if you so like, and leave fasting if you so like."

2403- It is narrated on the authority of Hamzah Ibn Muhammad Ibn Hamzah Al-Aslami from his father from his grandfather that he said: I said to the Messenger of Allah "Allah's blessing and peace be upon him": "O Messenger of Allah! I have a riding mount, therewith I get my earnings: sometimes I set out on journey on it, and sometimes I hire it, and the month of Ramadan might happen to come (while I'm on journey), and I see I have

[ت40/م41] ـ باب تأخير قضاء رمضان

2399 ـ حدّثنا عَبْدُ اللَّهِ بنُ مَسْلَمَةَ الْقَعْنَبِيُّ، عن مَالِكٍ، عن يَحْيَى بنِ سَعِيدٍ، عنْ أَبي سَلَمَةَ بنِ عَبْدِ الرَّحْمٰنِ أَنَّهُ سَمِعَ عَائِشَةَ رضي اللَّهُ عنها تَقُولُ: «إِنْ كَانَ لَيَكُونُ عَلَيَّ الصَّوْمُ مِنْ رَمَضَانَ، فَمَا أَسْتَطِيعُ أَنْ أَقْضِيَهُ حَتَّى يَأْتِيَ شَعْبَانُ».

[ت41/م42] ـ باب فيمن مات وعليه صيام

2400 ـ حدّثنا أَحْمَدُ بنُ صَالِحٍ: حدَّثنا ابنُ وَهْبٍ: أخبرني عَمْرُو بنُ الْحَارِثِ، عن عُبَيْدِ اللَّهِ بنِ أَبِي جَعْفَرٍ، عن مُحَمَّدِ بنِ جَعْفَرِ بنِ الزُّبَيْرِ، عن عُرْوَةَ، عن عَائِشَةَ أَنَّ النَّبيَّ ﷺ قالَ: «**مَنْ مَاتَ وَعَلَيْهِ صِيَامٌ صَامَ عَنْهُ وَلِيُّهُ**».

قال أَبُو دَاوُدَ: هَذَا في النَّذْرِ وَهُوَ قَوْلُ أَحْمَدُ بنُ حَنْبَلٍ.

2401 ـ حدّثنا مُحَمَّدُ بنُ كَثِيرٍ: أخبرنا سُفْيَانُ، عن أَبي حَصِينٍ، عن سَعِيدِ بنِ جُبَيْرٍ، عن ابنِ عَبَّاسٍ قال: «إِذَا مَرِضَ الرَّجُلُ في رَمَضَانَ ثُمَّ مَاتَ وَلَمْ يَصُمْ أُطْعِمَ عَنْهُ وَلَمْ يَكُنْ عَلَيْهِ قَضَاءٌ، وَإِنْ كَانَ عَلَيْهِ نَذْرٌ قَضَى عَنْهُ وَلِيُّهُ».

[ت42/م43] ـ باب الصوم في السفر

2402 ـ حدّثنا سُلَيْمَانُ بنُ حَرْبٍ وَمُسَدَّدٌ قالاَ: حدَّثنا حَمَّادٌ، عنْ هِشَامِ بنِ عُرْوَةَ، عن أَبِيهِ، عن عَائِشَةَ: أَنَّ حَمْزَةَ الأسْلَمِيَّ سَأَلَ النَّبيَّ ﷺ فَقَالَ: يَا رَسُولَ اللَّهِ إِنِّي رَجُلٌ أَسْرُدُ الصَّوْمَ أَفَأَصُومُ في السَّفَرِ؟ قال: «**صُمْ إِنْ شِئْتَ وَأَفْطِرْ إِنْ شِئْتَ**».

2403 ـ حدّثنا عَبْدُ اللَّهِ بنُ مُحَمَّدٍ النُّفَيْلِيُّ: حدَّثنا مُحَمَّدُ بنُ عَبْدِ الْمَجِيدِ الْمَدَنِيُّ قال: سَمِعْتُ حَمْزَةَ بنَ مُحَمَّدِ بنِ حَمْزَةَ الأسْلَمِيَّ، يَذْكُرُ أَنَّ أَبَاهُ أَخْبَرَهُ عنْ جَدِّهِ قال: قُلْتُ: يَا رَسُولَ اللَّهِ إِنِّي صَاحِبُ ظَهْرٍ أُعَالِجُهُ أُسَافِرُ عَلَيْهِ وَأُكْرِيهِ، وَإِنَّهُ رُبَّمَا صَادَفَنِي هَذَا الشَّهْرُ يَعْني رَمَضَانَ، وَأَنَا أَجِدُ الْقُوَّةَ، وَأَنَا

power and youth (to endure fasting while being on journey); and I find it is easier for me to observe fasts (of Ramadan at their due time) O Messenger of Allah than to delay it, with the result that I would be owing them: is it more rewardable to observe fasts or leave fasting O Messenger of Allah?" the Messenger of Allah "Allah's blessing and peace be upon him" said to him: "Which of both you like O Hamzah (is rewardable)."

2404- It is narrated on the authority of Ibn Abbas that he said: During (the month of) Ramadan, The Messenger of Allah "Allah's blessing and peace be upon him" left Medina for Mecca (and He observed fasts until) when he reached Usfan (thirty-six miles from Mecca), he ordered that a cup of water be brought to him, which he raised up to his mouth openly, in order that the people would see him. Then, he left fasting until he arrived in Mecca. Ibn Abbas commented: The Messenger of Allah "Allah's blessing and peace be upon him" (did the two things during the journey, i.e. he) observed fasts (for some days of the journey) and left fasting (for some days of the journey too). So, if one wishes, he could observe fast (on journey), and if one wishes, he could leave fasting.

2405- It is narrated on the authority of Anas that he said: We set out on journey with The Messenger of Allah "Allah's blessing and peace be upon him" during the month of Ramadan. Some observed fast, and others left it. However, neither those who observed fasts criticized those who left it, nor those who left fast criticized those who observed it.

2406- It is narrated on the authority of Abu Qaza'ah that he said: I came to Abu Sa'id Al-Khudri, and found him surrounded by a lot of people who were asking him (about religious matters). When (the people dispersed from him and) he became alone, I asked him about observing fast on journey. Upon this he said: Once, we set out with The Messenger of Allah "Allah's blessing and peace be upon him" (to Mecca) in the year of Conquest, and this was during (the month of) Ramadan. We got down at a certain place, whereas The Messenger of Allah "Allah's blessing and peace be upon him" said: "You became at a near distance from your enemy, and breaking fast is to make you stronger." However, some from among us kept fasting, and others broke fasting. Then, we (proceeded on until we) got down at a certain place, where as he (The Prophet) said: "You are going to meet your enemy in the morning, and breaking fast is to make you more powerful. So, you should break fast." It was also a concession given to us; and we broke our fast. Abu Sa'id further said: I used to observe fasts while being with The Messenger of Allah "Allah's blessing and peace be upon him" before and after that (on journey).

شَابٌّ، فأَجِدُ بأَنْ أَصُومَ يَا رَسُولَ اللَّهِ أَهْوَنَ عَلَيَّ مِنْ أَنْ أُؤَخِّرَهُ فَيَكُونُ دَيْنًا أَفَأَصُومُ يَا رَسُولَ اللَّهِ أَعْظَمُ لأَجْرِي أَوْ أُفْطِرُ؟ قال: «**أَيَّ ذَلِكَ شِئْتَ يَا حَمْزَةُ**».

2404 ـ حدّثنا مُسَدَّدٌ: حدَّثنا أَبُو عَوَانَةَ، عن مَنْصُورٍ، عن مُجَاهِدٍ، عن طَاوسٍ، عن ابن عَبَّاسٍ قالَ: «خَرَجَ النَّبيُّ ﷺ مِنَ المَدِينَةِ إِلَى مَكَّةَ حَتَّى بَلَغَ عُسْفَانَ ثُمَّ دَعَا بِإِنَاءٍ فَرَفَعَهُ إِلَى فِيهِ لِيُرِيَهُ النَّاسَ، وَذَلِكَ في رَمَضَانَ، فَكَانَ ابنُ عَبَّاسٍ يَقُولُ: قَدْ صَامَ النَّبيُّ ﷺ وَأَفْطَرَ، فَمَنْ شَاءَ صَامَ وَمَنْ شَاءَ أَفْطَرَ».

2405 ـ حدّثنا أَحْمَدُ بنُ يُونُسَ: حدَّثنا زَائِدَةُ، عن حُمَيْدٍ الطَّوِيلِ، عنْ أَنَسٍ قالَ: «سَافَرْنَا مَعَ رَسُولِ اللَّهِ ﷺ في رَمَضَانَ، فَصَامَ بَعْضُنَا، وَأَفْطَرَ بَعْضُنَا، فَلَمْ يَعِبِ الصَّائِمُ عَلَى المُفطِرِ، وَلاَ المُفْطِرُ عَلَى الصَّائِمِ».

2406 ـ حدّثنا أَحْمَدُ بنُ صَالحٍ وَوَهْبُ بنُ بَيَانَ، المعنى، قالاَ: حدَّثنا ابنُ وَهْبٍ، حدَّثني مُعَاوِيَةُ، عن رَبِيعَةَ بنِ يَزِيدَ أَنَّهُ حَدَّثَهُ، عن قَزَعَةَ قال: «أَتَيْتُ أَبَا سَعِيدٍ الْخُدْرِيَّ وَهُوَ يُفْتِي النَّاسَ وَهُمْ مُكِبُّونَ عَلَيْهِ فَانْتَظَرْتُ خَلْوَتَهُ، فَلَمَّا خَلاَ سَأَلْتُهُ عن صِيَامِ رَمَضَانَ في السَّفَرِ؟ فقال: خَرَجْنَا مَعَ النَّبيِّ ﷺ في رَمَضَانَ عَامَ الْفَتْحِ، فَكَانَ رَسُولُ اللَّهِ ﷺ يَصُومُ وَنَصُومُ حَتَّى بَلَغَ مَنْزِلاً مِنَ المَنَازِلِ فقال: «**إِنَّكُم قَدْ دَنَوْتُمْ مِنْ عَدُوِّكُمْ وَالْفِطْرُ أَقْوَى لَكُمْ**»، فأَصْبَحْنَا، مِنَّا الصَّائِمُ، وَمِنَّا المُفْطِرُ. قال: ثُمَّ سِرْنَا فَنَزَلْنَا مَنْزِلاً فقال: «**إِنَّكُمْ تُصَبِّحُونَ عَدُوَّكُمْ، وَالْفِطْرُ أَقْوَى لَكُمْ فَأَفْطِرُوا**» فَكَانَتْ عَزِيمَةً مِنْ رَسُولِ اللَّهِ ﷺ».

قال أَبُو سَعِيدٍ: ثُمَّ لَقَدْ رَأَيْتُنِي أَصُومُ مَعَ النَّبيِّ ﷺ قَبْلَ ذَلِكَ وَبَعْدَ ذَلِكَ.

[43] (It is better) to choose to break fasting (on journey)

2407- It is narrated on the authority of Jabir Ibn Abdullah that once the Messenger of Allah "Allah's blessing and peace be upon him" saw a man being (put to difficulty because of fasting on journey, and he was) shaded by others, and there were a crowd of people surrounding him, thereupon he said: "It is not out of righteousness to observe fast on journey."

2408- It is narrated on the authority of Anas Ibn Malik, a man from sons of Abdullah Ibn Ka'b Al-Qushairi, that he said: The horsemen of the Messenger of Allah "Allah's blessing and peace be upon him" raided us, and I came to the Messenger of Allah "Allah's blessing and peace be upon him" and he was taking his lunch, thereupon he invited me to come closer (to share food with him), and I told him that I was fasting. He then said: "Sit down, so that I would tell you about fasting: Verily, Allah Almighty relieved such as on journey of half the prayer, (i.e. reduced the four-rak'ah prayer to only two), and exempted the one on journey, the pregnant and the suckling woman from fasting." By Allah! the Messenger of Allah "Allah's blessing and peace be upon him" said either both or (at least) one of them, and how sorry I have been, since I did not get from the food of the Messenger of Allah "Allah's blessing and peace be upon him".

[44] What About Such As Chooses To Fast (On Journey)

2409- It is narrated on the authority of Abu Ad-Darda' that he said: We set out in the company of the Messenger of Allah "Allah's blessing and peace be upon him" in one of his journeys, and it was very hot, to the extent that a man would put his hand over his head out of the scorching heat, and none observed fast (on that day) barring the Messenger of Allah "Allah's blessing and peace be upon him" and Abdullah Ibn Rawahah.

2410- It is narrated on the authority of Sinan Ibn Salamah Ibn Al-Muhabbiq that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "He, who has a riding mount, which could convey him (during the journey to any place where he) satisfies his hunger, let him observe the fasts of Ramadan wherever he is and fasting becomes due."

2411- It is narrated on the authority of Salamah Ibn Al-Muhabbiq that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "He, upon whom (the Month of) Ramadan comes while being on journey..."and the rest is the same.

[ت43/ م44] ـ باب اختيار الفطر

2407 ـ حدّثنا أَبُو الوَلِيدِ الطيَّالِسِيُّ: حدَّثنا شُعْبَةُ، عن مُحَمَّدِ بنِ عَبْدِ الرَّحْمٰنِ ـ يَعْني ابنَ سَعْدِ بنِ زُرَارَةَ ـ، عن مُحَمَّدِ بنِ عَمْرِو بنِ حَسَنٍ، عن جَابِرِ بنِ عَبْدِ اللَّهِ: أَنَّ النَّبيَّ ﷺ رَأَى رَجُلاً يُظَلَّلُ عَلَيْهِ وَالزِّحَامُ عَلَيْهِ، فقال: «**لَيْسَ مِنَ الْبِرِّ الصِّيَامُ في السَّفَرِ**».

2408 ـ حدّثنا شَيْبَانُ بنُ فَرُّوخ: حدَّثنا أَبُو هِلاَلٍ الرَّاسِبِيُّ: حدَّثنا ابنُ سَوَادَةَ الْقُشَيْرِيُّ، عن أَنَسِ بنِ مَالِكٍ ـ رَجُلٍ مِنْ بَنِي عَبْدِ اللَّهِ بنِ كَعْبٍ إِخْوَةِ بَنِي قُشَيْرٍ ـ قال: «أَغَارَتْ عَلَيْنَا خَيْلٌ لِرَسُولِ اللَّهِ ﷺ فانْتَهَيْتُ، أَوْ قال: فَانْطَلَقْتُ إِلى رَسُولِ اللَّهِ ﷺ وَهُوَ يَأْكُلُ فقال: «**اجْلِسْ فَأَصِبْ مِنْ طَعَامِنَا هَذَا**»، فَقُلْتُ: إِنِّي صَائِمٌ، قالَ: «**اجْلِسْ أُحَدِّثْكَ عن الصَّلاَةِ وَعن الصِّيامِ، إِنَّ اللَّهَ وَضَعَ شَطْرَ الصَّلاَةِ، أَوْ نِصْفَ الصَّلاَةِ وَالصَّوْمَ عن المُسَافِرِ، وعَنِ المُرْضِعِ، أَوِ الْحُبْلَى**» وَاللَّهِ لَقَدْ قَالَهُمَا جَمِيعًا أَوْ أَحَدَهُمَا. قال: فَتَلَهَّفَتْ نَفْسِي أَنْ لاَ أَكُونَ أَكَلْتُ مِنْ طَعَامِ رَسُولِ اللَّهِ ﷺ».

[ت44/ م45] ـ باب من اختار الصيام

2409 ـ حدّثنا مُؤَمَّلُ بنُ الْفَضْلِ: حدَّثنا الْوَلِيدُ: حدَّثنا سَعيدُ بنُ عَبْدِ العَزِيزِ: حدَّثَني إِسْمَاعِيلُ بنُ عُبَيْدِ اللَّهِ: حَدَّثَتْني أُمُّ الدَّرْدَاءِ، عن أَبي الدَّرْدَاءِ قال: «خَرَجْنَا مَعَ رَسُولِ اللَّهِ ﷺ في بَعْضِ غَزَوَاتِهِ في حَرٍّ شَدِيدٍ حَتَّى إِنَّ أَحَدَنَا لَيَضَعُ يَدَهُ عَلَى رَأْسِهِ أَوْ كَفَّهُ عَلَى رَأْسِهِ مِنْ شِدَّةِ الْحَرِّ مَا فِينَا صَائِمٌ إِلاَّ رَسُولُ اللَّهِ ﷺ وَعَبْدُ اللَّهِ بنُ رَوَاحَةَ».

2410 ـ حدّثنا حَامِدُ بنُ يَحْيَى: حدَّثنا هَاشِمُ بنُ الْقَاسِمِ. (ح) وحدَّثنا عُقْبَةُ بنُ مُكْرَمٍ: حدَّثنا أَبُو قُتَيْبَةَ، المعنى، قالاَ: حدَّثنا عَبْدُ الصَّمَدِ بنُ حَبِيبِ بنِ عَبْدِ اللَّهِ الأَزْدِيِّ، قال: حدَّثَني حَبِيبُ بنُ عَبْدِ اللَّهِ، قال: سَمِعْتُ سِنَانَ بنَ سَلَمَةَ بنِ الْمُحَبَّقِ الْهُذَلِيَّ يُحدِّثُ عن أَبِيهِ قال: قال رَسُولُ اللَّهِ ﷺ: «**مَنْ كَانَتْ لَهُ حَمُولَةٌ تَأْوِي إِلى شِبَعٍ فَلْيَصُمْ رَمَضَانَ حَيْثُ أَدْرَكَهُ**».

2411 ـ حدّثنا نَصْرُ بنُ الْمُهَاجِرِ: حدَّثنا عَبْدُ الصَّمَدِ ـ يَعْني ابنَ عَبْدِ الوَارِثِ ـ: حدَّثنا عَبْدُ الصَّمَدِ بنُ حَبِيبٍ، قال: حدَّثني أَبي، عن سِنَانِ بنِ سَلَمَةَ، عن سَلَمَةَ بنِ المُحَبَّقِ قال: قال رَسُولُ اللَّهِ ﷺ: «**مَنْ أَدْرَكَهُ رَمَضَانُ في السَّفَرِ**»، فَذَكَرَ مَعْنَاهُ.

[45] When Should The Traveler Break His Fast?

2412- It is narrated on the authority of Ja'far Ibn Ubaid Ibn Jabr that he said: I was with Abu Basrah Al-Ghifari, one of the companions of the Messenger of Allah "Allah's blessing and peace be upon him" in a ship, and this was during the month of Ramadan. He brought his lunch near him, and he hardly had gone beyond the houses that he asked for the meal to be served for him. When he invited me (to share food with him) thereupon I said: "Are you not seeing the houses (near you)?" he said: "Do you like to leave the sunnah of the Messenger of Allah "Allah's blessing and peace be upon him"?" then, he ate.

[46] How Long Is The Journey On Which The Traveler Should Leave Fasting?

2413- It is narrated on the authority of Mansur Al-Kalbi that during (the month of) Ramadan, Yahya Ibn Khalifah set out of a village in Damascus, and proceeded on as far as three miles from it, whereas he broke his fast. Some people broke fast with him, and others disliked to do so. When he returned to his village he said: "By Allah, today I've seen something, which I have never expected to see. Some people left the right guidance of the Messenger of Allah "Allah's blessing and peace be upon him" and his companions" (in reference to those who refused to break their fast). Then he added: "O Allah! Take my soul unto You!"

2414- It is narrated on the authority of Nafi' that whenever Ibn Umar set out to Al-Ghab (a place near the Heights of Medina), he would neither break his fast, nor shorten the prayer.

[47] What About Such As Says: "I've Observed All The Fasts Of Ramadan"?

2415- It is narrated on the authority of Abu Bakrah that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "Let none of you say "I've observed the all fasts of Ramadan, and further I've stood (for supererogatory prayer) all of its (nights)." I do not know whether he (the Prophet by saying so) disliked that anyone should give prestige to himself, or that he said: "One should be overtaken (at least) by slumber or sleep once."

Abu Dawud says: The same narration is transmitted by Al-Hasan from Abu Bakrah, through another chain of transmission.

[ت45/م46] ـ باب متى يُفْطِر المسافر إذا خَرَجَ

2412 ـ حدّثنا عُبَيْدُ اللَّهِ بنُ عُمَرَ: حدَّثني عَبْدُ اللَّهِ بنُ يَزِيدَ. (ح) وحدَّثنا جَعْفَرُ بنُ مُسَافِرٍ: حدَّثنا عَبْدُ اللَّهِ بنُ يَحْيَى ـ المعنى ـ: حدَّثني سَعِيدٌ ـ يعني ابنَ أَبي أَيُّوبَ ـ زَادَ جَعْفَرٌ: وَاللَّيْثُ، قال: حدَّثني يَزِيدُ بنُ أَبي حَبِيبٍ أَنَّ كُلَيْبَ بنَ ذُهْلٍ الْحَضْرَمِيَّ أَخْبَرَهُ عن عُبَيْدٍ، قال جَعْفَرُ بنُ جَبْرٍ قال: «كُنْتُ مَعَ أَبي بَصْرَةَ الْغِفَّارِيِّ صَاحِبِ رَسُولِ اللَّهِ ﷺ في سَفِينَةٍ مِنَ الْفُسْطَاطِ في رَمَضَانَ فَرُفِعَ، ثُمَّ قُرِّبَ غَدَاؤُهُ قال جَعْفَرٌ في حَدِيثِهِ: فَلَمْ يُجَاوِزِ الْبُيُوتَ حَتَّى دَعَا بالسُّفْرَةِ، قال: اقْتَرِبْ، قُلْتُ: أَلَسْتَ تَرَى الْبُيُوتَ؟ قال أَبو بَصْرَةَ: أَتَرْغَبُ عن سُنَّةِ رَسُولِ اللَّهِ ﷺ قال جَعْفَرٌ في حَدِيثِهِ: فأَكَلَ».

[ت46/م47] ـ باب قَدْر مَسيرة ما يُفْطَر فيه

2413 ـ حدّثنا عِيسَى بنُ حَمَّادٍ: أَخبرنا اللَّيْثُ ـ يَعْني ابنَ سَعْدٍ ـ، عن يَزِيدَ بنِ أَبي حَبِيبٍ، عن أَبي الْخَيْرِ، عن مَنْصُورٍ الْكَلْبِيِّ: «أَنَّ دِحْيَةَ بنَ خَلِيفَةَ خَرَجَ مِنْ قَرْيَةٍ مِنْ دِمَشْقَ مَرَّةً إِلى قَدْرِ قَرْيَةِ عَقَبَةَ مِنَ الْفُسْطَاطِ، وذلك ثَلاثَةُ أَمْيَالٍ في رَمَضَانَ، ثُمَّ إِنَّهُ أَفْطَرَ وَأَفْطَرَ مَعَهُ نَاسٌ، وَكَرِهَ آخَرُونَ أَنْ يُفْطِرُوا، فَلَمَّا رَجَعَ إِلى قَرْيَتِهِ قال: وَاللَّهِ لَقَدْ رَأَيْتُ الْيَوْم أَمْرًا ما كُنْتُ أَظُنُّ أَنِّي أَرَاهُ، إِنَّ قَوْمًا رَغِبُوا عن هَدْيِ رَسُولِ اللَّهِ ﷺ وَأَصْحَابِهِ؛ يَقُولُ ذَلِكَ لِلَّذِينَ صَامُوا، ثُمَّ قالَ عِنْدَ ذَلِكَ: اللَّهُمَّ اقْبِضْني إِلَيكَ».

2414 ـ حدّثنا مُسَدَّدٌ: حدَّثنا الْمُعْتَمِرُ، عن عُبَيْدِ اللَّهِ، عن نَافِعٍ: «أَنَّ ابنَ عُمَرَ كَانَ يَخْرُجُ إِلَى الْغَابَةِ فَلاَ يُفْطِرُ وَلاَ يَقْصُرُ».

[ت47/م48] ـ باب من يقول: صمت رمضان كله

2415 ـ حدّثنا مُسَدَّدٌ: حدَّثنا يَحْيَى، عن الْمُهَلَّبِ بن أَبي حَبِيبَةَ: حدَّثنا الْحَسَنُ، عن أَبي بَكْرَةَ قال: قال رَسُولُ اللَّهِ ﷺ: «**لاَ يَقُولَنَّ أَحَدُكُمْ إِنِّي صُمْتُ رَمَضَانَ كُلَّهُ وَقُمْتُهُ كُلَّهُ**» فَلاَ أَدْرِي أَكَرِهَ التَّزْكِيَةَ أَوْ قال: لاَ بُدَّ مِنْ نَوْمَةٍ أَوْ رَقْدَةٍ.

قال أَبُو دَاوُدَ: هذا رواهُ ابنُ عديٍ، عن سعيدٍ، عن قتادةَ، عن الحسنِ، عن أَبي بكرةَ.

[48] What About Fasting On The Days Of Both Ids?

2416- It is narrated on the authority of Abu Ubaid that he said: I attended the Id with Umar Ibn Al-Khattab, who started with offering prayer before delivering the sermon, and then he said: "The Messenger of Allah "Allah's blessing and peace be upon him" forbade to observe fast on these days (of both Ids): as to the day of Sacrifice, you should eat out of the meat of your offering; and as to the day of Al-Fitr, you should break your fasts."

2417- It is narrated on the authority of Abu Sa'id Al-Khudri that the Messenger of Allah "Allah's blessing and peace be upon him" forbade fasting on two days: the day of Al-Fitr and the day of Al-Adha; and he forbade two kinds of dresses: Ishtimal As-Samma' (wrapping one's body with a garment so that one cannot raise its end or take one's hand out of it)and Al-Ihtiba' (sitting on buttocks with knees close to Abdomen and feet apart with the hands circling the knees) while wrapping oneself with a single garment, without having a part of it over the private parts. He further forbade prayer in two times: after the Morning and after the Asr (prayers).

[49] Fasting The Days Of Tashriq

2418- It is narrated on the authority of Abu Murrah, the freed slave of Umm Hani' that he entered in the company of Abdullah Ibn Amr upon his father Amr Ibn Al-As, who brought food near to them and said: "Eat." He said: "I'm fasting." On that Amr said: "Eat! Those are the days on which the Messenger of Allah "Allah's blessing and peace be upon him" ordered us to break fast, and forbade us to observe fast." Malik says: Those are the days of Tashriq (11-13 of Dhul-Hijjah).

2419-It is narrated on the authority of Uqbah Ibn Amir that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "The Id of us, people of Islam is on the day of Arafah, the day of slaughtering Sacrifice, and the days of Tashriq, and those are days of eating and drinking (on which fasting is forbidden)."

[50] It Is Forbidden To Favour Friday In Particular With Fasting

2420- It is narrated on the authority of Abu Hurairah that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "Let none of you observe fast on Friday alone, unless he observes (at least) a fast before or after it."

[ت48/م49] ـ باب في صوم العيدين

2416 ـ حدّثنا قُتَيْبَةُ بنُ سَعِيدٍ وَزُهَيْرُ بنُ حَرْبٍ، وَهَذَا حَدِيثُهُ، قالاَ: حدَّثنا سُفْيَانُ، عن الزُّهْرِيِّ، عن أَبي عُبَيْدٍ قال: «شَهِدْتُ الْعِيدَ مَعَ عُمَرَ، فَبَدَأَ بالصَّلاَةِ قَبْلَ الْخُطْبَةِ ثُمَّ قال: إِنَّ رَسُولَ اللَّهِ ﷺ نَهى عنْ صِيَامِ هَذَيْنِ الْيَوْمَيْنِ: أَمَّا يَوْمُ الأَضْحَى، فَتَأْكُلُونَ مِنْ لَحْمِ نُسُكِكُمْ وَأَمَّا يَوْمُ الْفِطْرِ فَفِطْرُكُمْ مِنْ صِيَامِكُم».

2417 ـ حدّثنا مُوسَى بنُ إِسْمَاعِيلَ: حدَّثنا وُهَيْبٌ: حدَّثنا عَمْرو بنُ يَحْيَى، عنْ أَبِيهِ، عن أَبي سَعِيدٍ الْخُدْرِيِّ قال: «نَهى رَسُولُ اللَّهِ ﷺ عنْ صِيَامِ يَوْمَيْنِ: يَوْمِ الْفِطْرِ، وَيَوْمِ الأَضْحَى. وَعَنْ لِبْسَتَيْنِ: الصَّمَّاءِ، وَأَنْ يَحْتَبِيَ الرَّجُلُ في الثَّوْبِ الْوَاحِدِ. وَعَنِ الصَّلاَةِ في سَاعَتَيْنِ بَعْدَ الصُّبْحِ وَبَعْدَ الْعَصْرِ».

[ت49/م50] ـ باب صيام أَيام التشريق

2418 ـ حدّثنا عَبْدُ اللَّهِ بنُ مَسْلَمَةَ الْقَعْنَبِيُّ، عن مَالِكٍ، عن يَزِيدَ بنِ الْهَادِ، عنْ أَبي مُرَّةَ مَوْلَى أُمِّ هَانِىءٍ: «أَنَّهُ دَخَلَ مَعَ عَبْدِ اللَّهِ بنِ عَمْرٍو عَلَى أَبِيهِ عَمْرو بن الْعَاصِ، فَقَرَّبَ إِلَيْهِمَا طَعَامًا فقَالَ: كُلْ، قال: إِنِّي صَائِمٌ، فقال عَمْرٌو: كُلْ فَهَذِهِ الأَيَّامُ الَّتي كَانَ رَسُولُ اللَّهِ ﷺ يَأْمُرُنَا بِإِفْطَارِهَا وَيَنْهَانَا عنْ صِيَامِهَا. قال مَالِكٌ: وَهِيَ أَيَّامُ التَّشْرِيقِ».

2419 ـ حدّثنا الْحَسَنُ بنُ عَلِيٍّ: حدَّثنا وَهْبٌ: حدَّثنا مُوسَى بنُ عَلِيٍّ. (ح) وحدَّثنا عُثْمَانُ بنُ أَبي شَيْبَةَ: حدَّثنا وَكِيعٌ، عن مُوسَى بنِ عَلِيٍّ، وَالإِخْبَارُ في حَدِيثِ وَهْبٍ، قال: سَمِعْتُ أَبي أَنَّهُ سَمِعَ عُقْبَةَ بنَ عَامِرٍ قال: قال رَسُولُ اللَّهِ ﷺ: «**يَوْمُ عَرَفَةَ وَيَوْمُ النَّحْرِ، وَأَيَّامُ التَّشْرِيقِ عِيدُنَا أَهْلَ الإِسْلاَمِ وَهِيَ أَيَّامُ أَكْلٍ وَشُرْبٍ**».

[ت50/م51] ـ باب النهي أن يَخُصَّ يوم الجمعة بصوم

2420 ـ حدّثنا مُسَدَّدٌ: حدَّثنا أَبُو مُعَاوِيَةَ، عن الأَعْمَشِ، عن أَبي صَالِحٍ، عنْ أَبي هُرَيْرَةَ قال: قال رَسُولُ اللَّهِ ﷺ: «**لاَ يَصُمْ أَحَدُكُمْ يَوْمَ الْجُمُعَةِ إِلاَّ أَنْ يَصُومَ قَبْلَهُ بِيَوْمٍ أَوْ بَعْدَهُ**».

[51] It is forbidden to favour Saturday in particular with fasting

2421- It is narrated on the authority of Abdullah Ibn Busr As-Sulami from his sister that she said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "Do not observe fast on Saturday alone unless it (comes among the days on which fasting is) binding upon you: (apart from that) if anyone of you finds nothing (to eat) other than even a stick of grapes or an outer skin of a tree, let him touch it (with his tongue to break his fast)."

Abu Dawud says: This narration is abrogated.

[52] The Concession Pertaining To That

2422- It is narrated on the authority of Juwairiyah Bint Al-Harith that the Messenger of Allah "Allah's blessing and peace be upon him" came to visit her on Friday and found her fasting. He asked her: "Have you observed fast yesterday?" she answered in the negative. He further asked: "Do you intend to observe fast tomorrow?" she answered in the negative, thereupon the Messenger of Allah "Allah's blessing and peace be upon him" ordered her to break her fast.

2423- It is narrated on the authority of Ibn Shihab that whenever a mention was made to him of the forbiddance to observe fast on Saturday (Alone), he would say: "This narration belongs to (the inhabitants of) Hims."

2424- It is narrated on the authority of Al-Awza'i that he said: I kept concealing it until it has become in circulation. He refers to the narration of Abdullah Ibn Busr pertaining to fasting on Saturday (alone).

Abu Dawud says: Malik says: This is false.

[53] Fasting All The Time Voluntarily

2425- It is narrated on the authority of Abu Qatadah that he said: A man came to The Prophet "Allah's blessing and peace be upon him" and said: "O Messenger of Allah! How do you fast?" Upon this The Messenger of Allah "Allah's blessing and peace be upon him" became angry. When Umar Ibn Al-Khattab saw his anger, he said: "We have been pleased with Allah as our Lord, Islam as our religion and Muhammad as our Prophet. We seek refuge with Allah from the anger of Allah and the anger of His Messenger." Umar went on repeating this statement until his (The Prophet's) anger calmed down. Then, Umar said: "O Messenger of Allah! What about him, who observes perpetual fasts?" He said: "He (is like the one who) neither fasted nor did he break fast (or said he did not fast and he

[ت51/م52] ـ باب النهي أن يَخُص يوم السبت بصوم

2421 ـ حدّثنا حُمَيْدُ بنُ مَسْعَدَةَ: حدَّثنا سُفْيَانُ بنُ حَبِيبٍ. (ح) وحدَّثنا يَزِيدُ بنُ قُبَيْسٍ مِنْ أَهْلِ جَبَلَةَ: حدَّثنا الْوَلِيدُ، جَمِيعًا، عنْ ثَوْرِ بنِ يَزِيدَ، عنْ خَالِدِ بنِ مَعْدَانَ، عَنْ عَبْدِ اللَّهِ بن بُسْرٍ السُّلَمِيِّ، عنْ أُخْتِهِ، وَقال يَزِيدُ الصَّمَّاءُ: أَنَّ النَّبِيَّ ﷺ قال: «**لاَ تَصُوموا يَوْمَ السَّبْتِ إلاَّ فِيمَا افْتُرِضَ عَلَيْكُم وَإنْ لَمْ يَجِدْ أَحَدُكُمْ إلاَّ لِحَاءَ عِنَبَةٍ أَوْ عُودَ شَجَرَةٍ فَلْيَمْضَغْهُ**».

قال أَبُو دَاوُدَ: هذا الحَدِيثُ مَنْسُوخٌ.

[ت52/م53] ـ باب الرُّخصة في ذلك

2422 ـ حدّثنا مُحَمَّدُ بنُ كَثِيرٍ: حدَّثنا هَمَّامٌ، عن قَتَادَةَ. (ح) حدَّثنا حَفْصُ بنُ عُمَرَ: حدَّثنا هَمَّامٌ: حدَّثنا قَتَادَةَ، عنْ أَبي أَيُّوبَ ـ قال حَفْصٌ: الْعَتَكِيُّ ـ عن جُوَيْرِيَةَ بِنْتِ الْحَارِثِ: أَنَّ النَّبيَّ ﷺ دَخَلَ عَلَيْهَا يَوْمَ الْجُمُعَةِ وَهِيَ صَائِمَةٌ فقال: «**أَصُمْتِ أَمْسِ؟**» قالَتْ: لاَ، قال: «**تُرِيدِينَ أَنْ تَصُومي غَدًا**»؟ قالَ: لاَ، قالَ: «**فَأَفْطِري**».

2423 ـ حدّثنا عَبْدُ المَلِكِ بنُ شُعَيْبٍ: حدَّثنا ابنُ وَهْبٍ، قال: سَمِعْتُ اللَّيْثَ يُحَدِّثُ، عن ابنِ شِهَابٍ: «أَنَّهُ كَانَ إذَا ذُكِرَ لَهُ أَنَّهُ نُهِيَ عن صِيَامِ يَوْمِ السَّبْتِ. يقُولُ ابنُ شِهَابٍ: هَذَا حَدِيثٌ حِمْصِيٌّ».

2424 ـ حدّثنا مُحَمَّدُ بنُ الصَّبَّاحِ بنِ سُفْيَانَ: حدَّثنا الْوَلِيدُ، عن الأَوْزَاعِيِّ، قال: «مَا زِلْتُ لَهُ كَاتِمًا حَتَّى رَأَيْتُهُ انْتَشَرَ»، يَعني حَديثَ عبدَ اللَّهِ بنَ بُسْرٍ هَذَا في صَوْمِ يَوْمِ السَّبْتِ.

قال أَبُو دَاوُدَ: قال مَالِكٌ: هَذا كَذِبٌ.

[ت53/م54] ـ باب في صوم الدهر تطوعًا

2425 ـ حدّثنا سُلَيْمَانُ بنُ حَرْبٍ وَمُسَدَّدٌ قالاَ: حدَّثنا حَمَّادُ بنُ زَيْدٍ، عن غَيْلاَنَ بنِ جَرِيرٍ، عن عَبْدِ اللَّهِ بنِ مَعْبَدٍ الزِّمَّانِيِّ، عن أَبي قَتَادَةَ: أَنَّ رَجُلاً أَتَى النَّبيَّ ﷺ فقال: يَا رَسُولَ اللَّهِ كَيْفَ تَصُومُ؟ فَغَضِبَ رَسُولُ اللَّهِ ﷺ مِنْ قَوْلِهِ، فَلَمَّا رَأَى ذَلِكَ عُمَرُ قال: رَضِينَا باللَّهِ رَبًّا وَبالإسْلاَمِ دِينًا وَبِمُحَمَّدٍ نَبِيًّا، نَعُوذُ باللَّهِ مِنْ غَضَبِ اللَّهِ وَمِنْ غَضَبِ رَسُولِهِ، فَلَمْ يَزَلْ عُمَرُ يُرَدِّدُهَا حَتَّى سَكَنَ غَضَبُ النَّبِيِّ ﷺ، فقال: يَا رَسُولَ اللَّهِ كَيْفَ بِمَنْ يَصُومُ الدَّهْرَ كُلَّهُ؟ قال: «**لاَ صَامَ وَلاَ أَفْطَرَ**». قال مُسَدَّدٌ: لم يَصُمْ ولم يُفْطِرْ، أَوْ مَا صَامَ وَلا أَفْطَرَ ـ شَكَّ غَيْلاَنُ ـ قال: يا

did not break fast)." He (Umar) asked: "What about him, who fasts for two days and then breaks fast for one day?" He (The Prophet) said: "Could anyone endure that?" He asked: "What about the one who fasts a day and breaks fast on another?" He said: "This is the fast of (The Prophet) David "Peace be upon him"." He asked: "What about him, who fasts one day and breaks fast for two days?" He said: "I wish I would be given the power to do so." Then, The Messenger of Allah "Allah's blessing and peace be upon him" said: "Observing three fasts monthly, and (the fasts of the month of) Ramadan every year will be equal to the perpetual fasts. I expect from Allah that the fasting of the day of Arafat (for the non-pilgrims) will expiate (the sins of) the preceding and the coming years. Moreover, I expect from Allah that the fasting of the day of Ashura (tenth of Muharram) will expiate (the sins of) the preceding year."

2426- The same is narrated on the authority of Abu Qatadah through the same chain of transmission, with the following addition: He further asked: "O Messenger of Allah! What about the fasts of Monday and Thursday?" the Messenger of Allah "Allah's blessing and peace be upon him" said: "On it (Monday) I was born, and the Holy Qur'an was revealed unto me."

2427- It is narrated on the authority of Abdullah Ibn Amr Ibn Al-As that he said: The Messenger of Allah "Allah's blessing and peace be upon him" met me and said: "Have I not been informed that you have said: "I would stand up for (supererogatory Prayers) throughout the night and observe Fast every day so long as I live"?" I said to him: "O Messenger of Allah! It is I who said that." The Messenger of Allah "Allah's blessing and peace be upon him" said: "(You have no enough power to do so): sleep (for some time) and stand for the Prayer (for some time), and observe Fast (for some days) and leave it (for some days); and furthermore, observe three Fasts monthly. No doubt, (since every good deed would be multiplied ten times) this is like fasting for the whole year." I said: "O Messenger of Allah! I have power to do more than this." He said: "Then, fast one day and leave fasting for two days." I said: "O Messenger of Allah! I have power to do more than this." The Messenger of Allah "Allah's blessing and peace be upon him" said: "Then, fast one day and leave fasting on the other day (i.e. observe fasts on alternate days). That is the Fasting of (The Prophet) David "peace be upon him" and it is the best Fasting." I said: "But, I have power to do more than that." The Messenger of Allah "Allah's blessing and peace be upon him" said: "There is nothing better than that."

رسُولَ اللَّهِ كَيْفَ بِمَنْ يَصُومُ يَوْمَيْنِ وَيُفْطِرُ يوماً؟ قال: «**أَوَ يَطِيقُ ذَلِكَ أَحَدٌ؟**» قال: يا رَسُولَ اللَّهِ فَكَيْفَ بِمَنْ يَصُومُ يَوْمًا وَيُفْطِرُ يومًا؟ قال: «**ذَلِكَ صَوْمُ دَاوُدَ**». قال: يا رَسُولَ اللَّهِ فكَيْفَ بِمَنْ يَصُومُ يَوْمًا وَيُفْطِرُ يَوْمَيْنِ؟ قال: «**وَدِدْتُ أَنِّي طُوِّقْتُ ذَلِكَ**»، ثُمَّ قال رَسُولُ اللَّهِ ﷺ: «**ثَلَاثٌ مِنْ كُلِّ شَهْرٍ وَرَمَضَانُ إِلى رَمَضَانَ، فَهَذَا صِيَامُ الدَّهْرِ كُلِّهِ، وَصِيَامُ عَرَفَةَ إِنِّي أَحْتَسِبُ عَلَى اللَّهِ أَنْ يُكَفِّرَ السَّنَةَ التي قَبْلَهُ وَالسَّنَةَ الَّتِي بَعْدَهُ، وَصَوْمُ يَوْمِ عَاشُورَاءَ، إِنِّي أَحْتَسِبُ عَلَى اللَّهِ أَنْ يُكَفِّرَ السَّنَةَ الَّتِي قَبْلَهُ**».

2426 ـ حدّثنا مُوسَى بنُ إِسْمَاعِيلَ: حدَّثنا مَهْدِيٌّ: حدَّثنا غَيْلَانُ، عَن عَبْدِ اللَّهِ بنِ مَعْبَدٍ الزِّمَّانيِّ، عن أَبي قَتَادَةَ بِهَذَا الحَدِيثِ. زَادَ: «قال: يا رَسُولَ اللَّهِ أَرَأَيْتَ صَوْمَ يَوْمِ الاثْنَيْنِ وَيَوْمِ الْخَمِيسِ؟ قال: «**فِيهِ وُلِدْتُ وَفِيهِ أُنْزِلَ عَلَيَّ الْقُرْآنُ**».

2427 ـ حدّثنا الْحَسَنُ بنُ عَلِيٍّ: حدَّثنا عَبْدُ الرَّزَّاقِ: حدَّثنا مَعْمَرٌ، عن الزُّهْرِيِّ، عن ابنِ الْمُسَيَّبِ وَأَبي سَلَمَةَ، عن عَبْدِ اللَّهِ بنِ عَمْرِو بنِ الْعَاصِ قال: لَقِيَنِي رَسُولُ اللَّهِ ﷺ فقال: «**أَلَمْ أُحَدَّثْ أَنَّكَ تَقُولُ: لأَقُومَنَّ اللَّيْلَ ولأَصُومَنَّ النَّهَارَ؟**» قال: أَحْسِبُهُ قال: نَعَمْ يَا رَسُولَ اللَّهِ قَدْ قُلْتُ ذَاكَ قال: «**قُمْ وَنَمْ وَصُمْ وَأَفْطِرْ وَصُمْ مِنْ كُلِّ شَهْرٍ ثَلَاثَةَ أَيَّامٍ وَذَاكَ مِثْلُ صِيَامِ الدَّهْرِ**» قال: قُلْتُ: يَا رَسُولَ اللَّهِ إِنِّي أُطِيقُ أَفْضَلَ مِنْ ذَلِكَ. قال: «**فَصُمْ يَوْمًا وَأَفْطِرْ يَوْمَيْنِ**». قال: فَقُلْتُ: إِنِّي أُطِيقُ أَفْضَلَ مِنْ ذَلِكَ. قال: «**فَصُمْ يَوْمًا وَأَفْطِرْ يَوْمًا، وَهُوَ أَعْدَلُ الصِّيَامِ وَهُوَ صِيَامُ دَاوُدَ**». قُلْتُ: إِنِّي أُطِيقُ أَفْضَلَ مِنْ ذَلِكَ، فقالَ رَسُولُ اللَّهِ ﷺ: «**لا أَفْضَلَ مِنْ ذَلِكَ**».

[54] Fasting The Sacred Months

2428- It is narrated on the authority of Abu Mujibah Al-Bahili from his father or his paternal uncle that he came to the Messenger of Allah "Allah's blessing and peace be upon him" and then went away. A year later, he came to him once again, and his state and appearance had changed. He said: "O Messenger of Allah! Do you not recognize me?" he said: "Who are you?" he said: "I'm Al-Bahili who came to you last year." He said: "What had changed your state and you were of good appearance?" he said: "O Messenger of Allah! Since I left you, I've never eaten food (during the day because of fasting all the time, and I've never eaten it) but at night." The Messenger of Allah "Allah's blessing and peace be upon him" said: "Why have you tormented yourself as such?" He further said: "Then, observe the fasts of the month of patience (i.e. the month of Ramadan) and a day after it." He said: "I have power (to do) more." He said: "Then, observe (the fasts of the month of patience, and) two days after it." He said: "O Messenger of Allah! I have power (to do) more." On that he said: "Observe (the fasts of the month of patience, and) three days after it." He said: "O Messenger of Allah! I have power (to do) more." On that he said: "Observe (some days) from the Sacred months and then leave fasting (for some days)! Observe (some days) from the Sacred months and then leave fasting (for some days)! Observe (some days) from the Sacred months and then leave fasting (for some days)!" he beckoned with the help of his three fingers (in indication to observe fasts in such of those three consecutive Sacred Months as he liked, or to fast three days and leave fasting for three days alternately and so on during them, according to another interpretation).

[55] Observing Fasts During The Sacred Month (Of Muharram)

2429- It is narrated on the authority of Abu Hurairah that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "The best fasts after those of Ramadan are those one observes during Allah's Sacred Month (of Muharram); and the best prayer after the obligatory one is that one offers at night."

2430- It is narrated on the authority of Uthman Ibn Hakim that he said: I asked Sa'id Ibn Jubair about observing fasts during the month of Rajab, thereupon he said: Ibn Abbas told me that the Messenger of Allah "Allah's blessing and peace be upon him" used to fast (so many days consecutively) that we said: "He would not leave fasting"; and he used to leave fasting (for so many days consecutively) that we said: "He would not fast."

[ت54/م55] ـ باب في صوم أَشهر الحرم

2428 ـ حدّثنا مَوسَى بنُ إِسْمَاعِيلَ: حدَّثنا حَمَّادٌ، عن سَعيدٍ الْجُرَيْرِيِّ، عن أَبي السَّلِيلِ، عن مُجِيبَةَ الْبَاهِلِيَّةِ، عن أَبِيهَا أَوْ عَمِّهَا: «أَنَّهُ أَتى رَسُولُ اللَّهِ ﷺ، ثُمَّ انْطَلَقَ فَأَتَاهُ بَعْدَ سَنَةٍ وَقَدْ تَغَيَّرَتْ حَالُهُ وَهَيْئَتُهُ، فقال: يَا رَسُولَ اللَّهِ أَمَا تَعرِفُنِي؟ قال: «**وَمَنْ أَنْتَ؟**» قال: أَنَا الْبَاهِلِيُّ الَّذي جِئْتُكَ عَامَ الأَوَّلِ، قال: «**فَمَا غَيَّرَكَ وَقَدْ كُنْتَ حَسَنَ الْهَيْئَةِ؟**» قُلْتُ: مَا أَكَلْتُ طَعَامًا مُنْذُ فَارَقْتُكَ إِلاَّ بِلَيْلٍ، فقال رَسُولُ اللَّهِ ﷺ: «**لِمَ عَذَّبْتَ نَفْسَكَ؟**»، ثُمَّ قال: «**صُمْ شَهْرَ الصَّبْرِ وَيَوْمًا مِنْ كُلِّ شَهْرٍ**»، قال: زِدْنِي فإِنَّ بِي قُوَّةً، قال: «**صُمْ يَوْمَيْنِ**»، قال: زِدْنِي، قال: «**صُمْ ثَلاَثَةَ أَيَّامٍ**»، قال: زِدْنِي، قال: «**صُمْ مِنَ الْحُرُمِ وَاتْرُكْ، صُمْ مِنَ الْحُرُمِ وَاتْرُكْ، صُمْ مِنَ الْحُرُمِ وَاتْرُكْ**»، وَقال بِأَصَابِعِهِ الثَّلاَثَةِ فَضَمَّهَا ثُمَّ أَرْسَلَهَا».

[ت55/م56] ـ باب في صوم المُحَرَّم

2429 ـ حدّثنا مُسَدَّدٌ وَقُتَيْبَةُ بنُ سَعِيدٍ قالاَ: حدَّثنا أَبُو عَوَانَةَ، عن أَبي بِشْرٍ، عن حُمَيْدِ بنِ عَبْدِ الرَّحْمٰنِ، عن أَبي هُرَيْرَةَ قال: قال رَسُولُ اللَّهِ ﷺ: «**أَفْضَلُ الصِّيَامِ بَعْدَ شَهْرِ رَمَضَانَ شَهْرُ اللَّهِ المُحَرَّمُ، وَإِنَّ أَفضَلَ الصَّلاَةِ بَعْدَ المَفْرُوضَةِ صَلاَةٌ مِنَ اللَّيْلِ**»، لَمْ يَقُلْ قُتَيْبَةُ: «شَهْرِ» قال: «رَمَضَانَ».

2430 ـ حدّثنا إِبْرَاهِيمُ بنُ مُوسَى: حدَّثنا عِيسَى: حدَّثنا عُثْمَانُ ـ يَعْني ابنَ حَكِيم ـ قال: «سَأَلْتُ سَعِيدَ بن جُبَيْرٍ، عن صِيَامِ رَجَبَ، فقال: أَخبرني ابنُ عَبَّاسٍ: «أَنَّ رَسُولَ اللَّهِ ﷺ كَانَ يَصُومُ حتى نَقُولَ لاَ يُفطِرُ، وَيُفْطِرُ حتى نَقُولَ لاَ يَصُومُ».

[56] observing fasts during the month of Sha'ban

2431- It is narrated on the authority of A'ishah that she said: The dearest from amongst all the months to the Messenger of Allah "Allah's blessing and peace be upon him" was the month of Sha'ban, in which he liked to observe fasts, and he used to carry on fasting till the month of Ramadan.

[57] Observing Fasts During The Month Of Shawwal

2432- It is narrated on the authority of Ubaidullah Ibn Muslim Al-Quraishi that he said: I asked the Prophet, or the Messenger of Allah "Allah's blessing and peace be upon him" was asked about observing perpetual fasts all the time, thereupon he said: "No doubt, your family has a right on you. If you observe the fasts of Ramadan and the month next to it, in addition to every Wednesday and Thursday, you will have observed fasts all the time."

[58] Observing Six Fasts From The Month Of Shawwal

2433- It is narrated on the authority of Abu Ayyub, a companion of the Messenger of Allah "Allah's blessing and peace be upon him", that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "He, who observes the fasts of Ramadan, followed by six fasts from Shawwal, seems as if he has fasted all the time."

[59] How Did Allah's Messenger Use To Fast?

2434- It is narrated on the authority of A'ishah that she said: Allah's Apostle "Allah's blessing and peace be upon him" used to fast (so many days successively) till one said that he would never stop fasting, and he would abandon fasting (so many days successively) till one said that he would never fast. I never saw Allah's Apostle "Allah's blessing and peace be upon him" fasting for a whole month except the month of Ramadan, neither did I see him fasting in any month more than in the month of Sha'ban.

2435- The same is narrated on the authority of Abu Hurairah from the Messenger of Allah "Allah's blessing and peace be upon him", with the following addition: "He used to fast it except a very few days, (to the extent that one would think) he fasted the whole of it."

[60] Observing Fasts Of Monday And Thursday

2436- It is narrated on the authority of a freed slave belonging to Usamah Ibn Zaid that he went in the company of Usamah Ibn Zaid to Wadi Al-Qura in pursuit of some wealth he had there, and he noticed that he

[ت56/م57] ـ باب في صوم شهر شعبان

2431 ـ حدّثنا أَحْمَدُ بنُ حَنْبَلٍ: حدَّثنا عَبْدُ الرَّحْمٰنِ بنُ مَهْدِيٍّ، عنْ مُعَاوِيَةَ بنِ صَالحٍ، عن عَبْدِ اللَّهِ بنِ أَبِي قَيْسٍ أَنَّهُ سَمِعَ عَائِشَةَ رضي اللَّهِ عنها تَقُولُ: «كانَ أَحَبَّ الشُّهُورِ إِلى رَسُولِ اللَّهِ ﷺ أَنْ يَصُومَهُ شَعْبَانُ، ثُمَّ يَصِلُهُ بِرَمَضَانَ».

[ت57/م57] ـ باب في صوم شوال

2432 ـ حدّثنا مُحَمَّدُ بنُ عُثْمَانَ العِجْلِيُّ: حدَّثنا عُبَيْدُ اللَّهِ ـ يَعْني ابنَ مُوسَى ـ، عنْ هَارُونَ بنِ سَلْمَانَ، عنْ عُبَيْدِ اللَّهِ بن مُسْلِمٍ الْقُرَشِيِّ، عنْ أَبِيهِ قالَ: سَأَلْتُ أَوْ سُئِلَ النَّبيُّ ﷺ عن صِيَامِ الدَّهْرِ؟ فقال: **«إِنَّ لأَهْلِكَ عَلَيْكَ حَقًّا صُمْ رَمَضَانَ وَالَّذِي يَلِيهِ وَكُلَّ أَرْبِعَاءَ وَخَمِيسٍ، فإِذَا أَنْتَ قَدْ صُمْتَ الدَّهْرَ»**.

قال أَبُو دَاوُدَ: وَافَقَهُ زَيْدٌ الْعُكْلِيُّ، وَخَالَفَهُ أَبُو نَعِيمٍ، قال: مُسْلِمُ بنُ عُبَيْدِ اللَّهِ.

[ت58/م58] ـ باب في صوم ستة أيام من شوال

2433 ـ حدّثنا النُّفَيْلِيُّ: حدَّثنا عَبْدُ العَزِيزِ بنُ مُحَمَّدٍ، عنْ صَفْوَانَ بنِ سُلَيْمٍ وَسَعْد بنِ سَعِيدٍ، عن عُمَرَ بنِ ثَابِتٍ الأَنْصَارِيِّ، عنْ أَبي أَيُّوبَ صَاحِبِ النَّبيِّ ﷺ عن النَّبيِّ ﷺ قالَ: **«مَنْ صَامَ رَمَضَانَ ثُمَّ أَتْبَعَهُ بِسِتٍّ مِنْ شَوَّالَ، فَكَأَنَّمَا صَامَ الدَّهْرَ»**.

[ت59/م59] ـ باب كيف كان يصوم النبي ﷺ؟

2434 ـ حدّثنا عَبْدُ اللَّهِ بنُ مَسْلَمَةَ، عنْ مَالِكٍ، عنْ أَبي النَّضْرِ مَوْلَى عُمَرَ بنِ عُبَيْدِ اللَّهِ، عنْ أَبي سَلَمَةَ بنِ عَبْدِ الرَّحْمٰنِ، عنْ عَائِشَةَ زَوْجِ النَّبيِّ ﷺ أَنَّهَا قالَتْ: «كَانَ رَسُولُ اللَّهِ ﷺ يَصُومُ حَتى نَقُولَ لا يُفْطِرُ وَيُفْطِرُ حَتى نَقُولَ لاَ يَصُومُ وَمَا رَأَيْتُ رَسُولَ اللَّهِ ﷺ اسْتَكْمَلَ صِيَامَ شَهْرٍ قَطُّ إِلاَّ رَمَضَانَ وَمَا رَأَيْتُهُ في شَهْرٍ أَكْثَرَ صِيَامًا مِنْهُ في شَعْبَانَ».

2435 ـ حدّثنا مُوسَى بنُ إِسْمَاعِيلَ: حدَّثنا حَمَّادٌ، عن مُحَمَّدِ بن عَمْرٍو، عن أَبي سَلَمَةَ، عنْ أَبي هُرَيْرَةَ، عن النَّبيِّ ﷺ بِمَعْنَاهُ زَادَ: «كَانَ يَصُومُهُ إِلاَّ قَلِيلاً، بَلْ كَانَ يَصُومُهُ كُلَّهُ».

[ت60/م60] ـ باب في صوم الاثنين والخميس

2436 ـ حدّثنا مُوسَى بنُ إِسْمَاعِيلَ: حدَّثنا أَبانُ: حدَّثنا يَحْيَى، عنْ عُمَرَ بنِ أَبي الْحَكَمِ بنِ ثَوْبَانَ، عنْ مَوْلَى قُدَامَةَ بنِ مَظْعُونٍ، عنْ مَوْلَى أُسَامَةَ بنِ زَيْدٍ: أَنَّهُ انْطَلَقَ مَعَ أُسَامَةَ إِلى وَادِي الْقُرَى في طَلَبِ مالٍ لَهُ، فَكَانَ يَصُومُ يَوْمَ الاثْنَيْنِ وَيَوْمَ الْخَمِيسِ فَقالَ

observed fast every Monday and Thursday. His freed slave asked him: "Why do you observe fast every Monday and Thursday, even though you have grown very old?" he said: "No doubt, the Messenger of Allah "Allah's blessing and peace be upon him" used to observe fast every Monday and Thursday, and when he was asked about that he said: "The deeds of the servants (of Allah) are shown (to Allah) every Monday and Thursday."

Abu Dawud says: The same is narrated on the authority of Umar Ibn Abu Al-Hakam.

[61] Observing The Ten Fasts (Of Dhul-Hijjah)

2437- It is narrated on the authority of Hunaidah Ibn Khalid from his wife from one of the wives of the Messenger of Allah "Allah's blessing and peace be upon him" that she said: The Messenger of Allah "Allah's blessing and peace be upon him" used to fast the (first) nine days of Dhul-Hijjah, the day of Ashura (ten of Muharram), three days monthly, the first Monday of every month, and (every) Thursday.

2438- It is narrated on the authority of Ibn Abbas that he said: The Prophet "Allah's blessing and peace be upon him" said: "There are no good deeds, preferably better than those done on these (first ten days of Dhul-Hijjah)." Then some companions of The Prophet "Allah's blessing and peace be upon him" said: "Not even Jihad in the Cause of Allah?" He replied: "Not even Jihad in the Cause of Allah, except that of a man who sets out, endangering himself and his property (in Allah's cause) and does not return with any of those things."

[62] Leaving Fast On Those Ten Days

2439- It is narrated on the authority of A'ishah that she said: I've never seen the Messenger of Allah "Allah's blessing and peace be upon him" fasting (all) these ten (days of Dhul-Hijjah).

[63] Fasting The Day Of Arafah While One Is At Arafah

2440- It is narrated on the authority of Ikrimah that he said: We were with Abu Hurairah in his house when he told us that the Messenger of Allah "Allah's blessing and peace be upon him" forbade to observe fast on the day of Arafah while one is at Arafah.

2441- It is narrated on the authority of Umm Al-Fadl Bint Al-Harith that on the day of Arafat, some people who were with her argued whether the Prophet "Allah's blessing and peace be upon him" was or was not fasting. Some said that he was fasting while others said that he was not

لَهُ مَوْلاَهُ: لِمَ تَصُومُ يَوْمَ الاثْنَيْنِ وَيَوْمَ الخَمِيسِ وَأَنْتَ شَيْخٌ كَبِيرٌ؟ فقال إنَّ نَبيَّ اللَّهِ ﷺ كَانَ يَصُومُ يَوْمَ الاثْنَيْنِ وَالْخَمِيسِ، وَسُئِلَ عنْ ذٰلِكَ، فقال: «**إنَّ أعْمَالَ الْعِبَادِ تُعْرَضُ يَوْمَ الاثْنَيْنِ وَيَوْمَ الْخَمِيسِ**».

قال أَبُو دَاوُدَ: كَذَا قالَ هِشَامُ الدَّسْتَوَائِيُّ عَنْ يَحْيَى، عَنْ عُمَرَ بنِ أبي الْحَكَمِ.

[ت61/م61] ـ باب في صوم العشر

2437 ـ حدّثنا مُسَدَّدٌ: حدَّثنا أبُو عَوَانَةَ، عن الْحُرِّ بنِ الصَّبَّاحِ، عنْ هُنَيْدَةَ بنِ خَالِدٍ، عن امْرَأَتِهِ، عنْ بَعْضِ أزْوَاجِ النَّبيِّ ﷺ قالَتْ: «كَانَ رَسُولُ اللَّهِ ﷺ يَصُومُ تِسْعَ ذِي الحِجَّةِ، وَيَوْمَ عَاشُورَاءَ، وَثَلاَثَةَ أيَّامٍ مِنْ كُلِّ شَهْرٍ أوَّلَ اثْنَيْنِ مِنَ الشَّهْرِ وَالخَمِيسَ».

2438 ـ حدّثنا عُثْمَانُ بنُ أبي شَيْبَةَ: حدَّثنا وَكِيعٌ: حدَّثنا الأعْمَشُ، عنْ أبي صَالِحٍ، وَمُجَاهِدٍ وَمُسْلِمٍ الْبَطِينِ، عن سَعِيدِ بنِ جُبَيْرٍ، عن ابنِ عَبَّاسٍ قال: قال رَسُولُ اللَّهِ ﷺ: «**مَا مِنْ أيَّامٍ الْعَمَلُ الصَّالِحُ فِيهَا أحَبُّ إلَى اللَّهِ مِنْ هَذِهِ الأيَّامِ**» يَعْني أيَّامَ الْعَشْرِ قالُوا: يا رَسُولَ اللَّهِ وَلاَ الْجِهَادُ في سَبِيلِ اللَّهِ؟ قالَ: «**وَلاَ الْجِهَادُ في سَبِيلِ اللَّهِ**» قالَ: «**إلاَّ رَجُلٌ خَرَجَ بِنَفْسِهِ وَمَالِهِ فَلَمْ يَرْجِعْ مِنْ ذٰلِكَ بِشَيْءٍ**».

[ت62/م62] ـ باب في فطر العشر

2439 ـ حدّثنا مُسَدَّدٌ: حدَّثنا أبُو عَوَانَةَ، عن الأعْمَشِ، عن إبْرَاهِيمَ، عن الأسْوَدِ، عن عَائِشَةَ ـ رضي اللَّهُ عنها ـ قالَتْ: «مَا رَأيْتُ رَسُولَ اللَّهِ ﷺ صَائِمًا الْعَشْرَ قَطُّ».

[ت63/م63] ـ باب في صوم عرفة بعرفة

2440 ـ حدّثنا سُلَيْمَانُ بنُ حَرْبٍ: حدَّثنا حَوْشَبُ بنُ عَقِيلٍ، عن مَهْدِيٍّ الهَجَرِيِّ: حدَّثنا عِكْرِمَةُ قال: «كُنَّا عِنْدَ أبي هُرَيْرَةَ في بَيْتِهِ فَحَدَّثَنا أنَّ رَسُولَ اللَّهِ ﷺ نَهَى عنْ صَوْمِ يَوْمِ عَرَفَةَ بِعَرَفَةَ».

2441 ـ حدّثنا الْقَعْنَبِيُّ، عن مَالِكٍ، عن أبي النَّضْرِ، عنْ عُمَيْرٍ مَوْلَى عَبْدِ اللَّهِ بنِ عَبَّاسٍ، عن أُمِّ الْفَضْلِ بِنْتِ الْحَارِثِ: «أنَّ نَاسًا تَمَارَوْا عِنْدَهَا يَوْمَ عَرَفَةَ في صَوْمِ رَسُولِ اللَّهِ ﷺ فقال بَعْضُهُمْ: هُوَ صَائِمٌ، وَقالَ بَعْضُهُمْ: لَيْسَ

fasting. So she sent a bowl full of milk to him while he was riding his camel at Arafah, and he drank that milk.

[64] Fasting The Day Of Ashura (Tenth Of Muharram)

2442- It is narrated on the authority of A'ishah that she said: Quraish used to observe fast on the day of Ashura (tenth of Muharram) in the Pre-Islamic period of ignorance. The Messenger of Allah "Allah's blessing and peace be upon him" used to observe fast on it too. When he emigrated to Medina, he observed fast on it too and ordered (Muslims) to fast on it. When the fasting of the month of Ramadan was enjoined, it came to be obligatory, and the fast of Ashura was left to be optional: He who wanted to fast (on that day) could do so, and he who wanted to leave it could do so.

2443- It is narrated on the authority of Ibn Umar that he said: It was our habit to observe fast on the day of Ashura (tenth of Muharram) during the pre-Islamic period of ignorance. When (fasting of) Ramadan was enjoined, the Messenger of Allah "Allah's blessing and peace be upon him" said: "This (Ashura) is one of Allah's days: one could fast it if he so likes, and one could leave fasting it if he so likes."

2444- It is narrated on the authority of Ibn Abbas that he said: When The Prophet "Allah's blessing and peace be upon him" came to Medina he saw the Jews fasting the day of Ashura (tenth of Muharram). They were asked about that, and they replied: "This is the day, on which Allah made Moses and the children of Israel emerge victorious over Pharaoh. So, we fast on it out of glorification to it." The Prophet "Allah's blessing and peace be upon him" said: "We have more claim over Moses than you." So, he ordered Muslims to fast on it.

[65] The Narration That Ashura Stands For The Ninth (Of Muharram)

2445- It is narrated on the authority of Ibn Abbas that when the Messenger of Allah "Allah's blessing and peace be upon him" fasted the day of Ashura (tenth of Muharram), the people said to him: "O Messenger of Allah! This day is glorified by both Jews and Christians." On that the Messenger of Allah "Allah's blessing and peace be upon him" said: "When it is the coming year, we will observe fast on the ninth day (of Muharram)." However, the coming year did not come before the Messenger of Allah "Allah's blessing and peace be upon him" had died.

بِصَائِمٍ، فَأَرْسَلَتْ إِلَيْهِ بِقَدَحِ لَبَنٍ، وَهُوَ وَاقِفٌ عَلَى بَعِيرِهِ بِعَرَفَةَ فَشَرِبَ».

[ت64/م64] ـ باب في صوم يوم عاشوراء

2442 ـ حدّثنا عَبْدُ اللَّهِ بنُ مَسْلَمَةَ، عن مَالِكٍ، عن هِشَامِ بن عُرْوَةَ، عنْ أبيهِ، عن عَائِشَةَ قالَتْ: «كَانَ يَوْمُ عَاشُورَاءَ يَوْمًا تَصُومُهُ قُرَيْشٌ في الْجَاهِلِيَّةِ، وَكَانَ رَسُولُ اللَّهِ ﷺ يَصُومُهُ في الْجَاهِلِيَّةِ، فَلَمَّا قَدِمَ رَسُولُ اللَّهِ ﷺ الْمَدِينَةَ صَامَهُ وَأَمَرَ بِصِيَامِهِ، فَلَمَّا فُرِضَ رَمَضَانُ كَانَ هُوَ الْفَرِيضَةَ وَتُرِكَ عَاشُوراءُ، فَمَنْ شَاءَ صَامَهُ وَمَنْ شَاءَ تَرَكَهُ».

2443 ـ حدّثنا مُسَدَّدٌ: حدَّثنا يَحْيَى، عن عُبَيْدِ اللَّهِ: أخبرني نَافِعٌ، عن ابنِ عُمَرَ قال: كَانَ عَاشُورَاءُ يَوْمًا نَصُومُهُ في الْجَاهِلِيَّةِ، فَلَمَّا نَزَلَ رَمَضَانُ قال رَسُولُ اللَّهِ ﷺ: **«هٰذَا يَوْمٌ من أيَّامِ اللَّهِ فَمَنْ شَاءَ صَامَهُ وَمَنْ شَاءَ تَرَكَهُ»**.

2444 ـ حدّثنا زِيَادُ بنُ أَيُّوبَ: حدَّثنا هُشَيْمٌ: حدَّثنا أَبُو بِشْرٍ، عن سَعِيدِ بنِ جُبَيْرٍ، عن ابنِ عَبَّاسٍ قال: لَمَّا قَدِمَ النَّبيُّ ﷺ الْمَدِينَةَ وَجَدَ الْيَهُودَ يَصُومُونَ عَاشُورَاءَ، فَسُئِلُوا عنْ ذٰلِكَ فَقَالُوا هُوَ الْيَوْمُ الَّذِي أظْهَرَ اللَّهُ فِيهِ مُوسَى عَلَى فِرْعَوْنَ، وَنَحْنُ نَصُومُهُ تَعْظِيمًا لَهُ، فَقَالَ رَسُولُ اللَّهِ ﷺ: **«نَحْنُ أوْلَى بِمُوسَى مِنْكُم»** وَأمَرَ بِصِيَامِهِ.

[ت65/م65] ـ باب ما روي أن عاشوراء اليوم التاسع

2445 ـ حدّثنا سُلَيْمَانُ بنُ دَاوُدَ الْمَهْرِيُّ: حدَّثنا ابنُ وَهْبٍ: أخبرني يَحْيَى بنُ أَيُّوبَ أنَّ إسْمَاعِيلَ بنَ أُمَيَّةَ الْقُرَشِيَّ حَدَّثه أنَّهُ سَمِعَ أبا غَطْفَانَ يَقُولُ: سَمِعْتُ عَبْدَ اللَّهِ بنَ عَبَّاسٍ يَقُولُ حِينَ صَامَ النَّبيُّ ﷺ يَوْمَ عَاشُوراءَ وَأمَرَنَا بِصِيَامِهِ، قالُوا: يَا رَسُولَ اللَّهِ إنَّهُ يَوْمٌ تُعَظِّمُهُ الْيَهُودُ وَالنَّصَارَى، فقالَ رَسُولُ اللَّهِ ﷺ: **«فإذَا كَانَ الْعَامُ الْمُقْبِلُ صُمْنا يَوْمَ التَّاسِعِ»**، فَلَمْ يَأْتِ الْعَامُ الْمُقْبِلُ حَتَّى تُوفِّيَ رَسُولُ اللَّهِ ﷺ.

2446- It is narrated on the authority of Al-Hakam Ibn Al-A'raj that he said: I went to Ibn Abbas in the Sacred mosque while he was making his garment as a cushion (on which he was placing his head), and asked him about the fast of Ashura, thereupon he said: "When you see the new moon of (the month of) Muharram, count as of it, and when it is the ninth day, observe fast on it." I said: "Did Muhammad (the Messenger of Allah "Allah's blessing and peace be upon him") use to fast it like this?" he said: "Muhammad (the Messenger of Allah "Allah's blessing and peace be upon him") used to fast it like this."

[66] The Excellence Of Fasting It

2447- It is narrated on the authority of Abd Ar-Rahman Ibn Minhal Ibn Muslim Al-Khuza'i Al-Azdi from his paternal uncle that (the tribe of) Aslam came to the Messenger of Allah "Allah's blessing and peace be upon him" and the Messenger of Allah "Allah's blessing and peace be upon him" asked them: "Have you observed fast on this day of yours?" they answered in the negative, thereupon he said: "Carry on the remaining portion of this day of yours, and then observe a fast in lieu of it."

Abu Dawud says: He refers to the day of Ashura.

[67] Observing Fasts On Alternate Days

2448- It is narrated on the authority of Abdullah Ibn Amr Ibn Al-As that he said: Allah's Apostle" Allah's blessing and peace be upon him" said to me: "The most beloved fasts to Allah are those of (the Prophet) David and the most beloved prayer to Allah is that of David "Peace be upon him". He used to sleep for half of the night and then stand (for the Night Prayer) for one third of it. Then he would sleep for (the remaining) one-sixth of it. He used to fast on alternate days (by fasting a day and leaving fast on another)."

[68] Observing Three Fasts Monthly

2449- It is narrated on the authority of Abd Al-Malik Ibn Qatadah Ibn Milhan, from his father (and he was one of the companions of the Messenger of Allah "Allah's blessing and peace be upon him") that he said: The Messenger of Allah "Allah's blessing and peace be upon him" ordered us to observe fast on the white days, the thirteenth, the fourteenth and the fifteenth monthly, and said in that respect: "(Fasting) those days is like (fasting) all the time."

2446 ـ حدّثنا مُسَدَّدٌ: حدَّثنا يَحْيَى ـ يَعْني ابنَ سَعِيدٍ ـ، عنْ مُعَاوِيَةَ بنِ غَلاَّبٍ. (ح)، وحدثنا مُسَدَّدٌ: حدَّثنا إسْمَاعِيلُ: أخبرني حَاجِبُ بنُ عُمَرَ جَمِيعًا، المَعْنَى، عن الحَكَمِ بنِ الأَعْرَجِ قال: «أتَيْتُ ابنَ عَبَّاسٍ وَهُوَ مُتَوَسِّدٌ رِدَاءَهُ في المَسْجِدِ الْحَرَام، فَسَأَلْتُهُ عنْ صَوْمِ يَوْمِ عَاشُورَاءَ؟ فقالَ: إذَا رَأيْتَ هِلاَلَ المُحَرَّمِ فَاعْدُدْ، فإذَا كَانَ يَوْمُ التَّاسِعِ فأَصْبِحْ صَائِمًا، فَقُلْتُ: كَذَا كَانَ مُحَمَّدٌ ﷺ يَصُومُ؟ قالَ: كَذٰلِكَ كَانَ مُحَمَّدٌ ﷺ يَصُومُ».

[ت66/م66] ـ باب في فضل صومه

2447 ـ حدّثنا مُحَمَّدُ بنُ المِنْهَالِ: حدَّثنا يَزِيدُ بنُ زُرَيْعٍ: حدَّثنا سَعِيدٌ، عنْ قَتَادَةَ، عنْ عَبْدِ الرَّحْمٰنِ بنِ مَسْلَمَةَ، عن عَمِّهِ: أنَّ أَسْلَمَ أتَتِ النَّبيَّ ﷺ، فقالَ: «**صُمْتُمْ يَوْمَكُمْ هٰذَا؟**» قالُوا: لاَ. قالَ: «**فأتِمُّوا بَقِيَّةَ يَوْمِكُمْ وَاقْضُوهُ**».

قال أَبُو دَاوُدَ: يعني يومَ عاشوراءَ.

[ت67/م67] ـ باب في صوم يوم وفطر يوم

2448 ـ حدّثنا أَحْمَدُ بنُ حَنْبَلٍ وَمُحَمَّدُ بنُ عِيسَى وَمُسَدَّدٌ ـ وَالإِخْبَارُ في حَدِيثِ أَحْمَدَ ـ قالُوا: حدَّثنا سُفْيَانُ قال: سَمِعْتُ عَمْرًا قال: أخبرني عَمْرُو بنُ أوْسٍ، سَمِعَهُ مِنْ عَبْدِ اللَّهِ بنِ عَمْرٍو، قالَ: قالَ لِي رَسُولُ اللَّهِ ﷺ: «**أَحَبُّ الصِّيَامِ إلى اللَّهِ صِيَامُ دَاوُدَ، وَأَحَبُّ الصَّلاَةِ إلى اللَّهِ صَلاَةُ دَاوُدَ: كَانَ يَنَامُ نِصْفَهُ، وَيَقُومُ ثُلُثَهُ، وَيَنَامُ سُدُسَهُ، وَكَانَ يُفْطِرُ يَوْمًا، وَيَصُومُ يَوْمًا**».

[ت68/م68] ـ باب في صوم الثلاث من كل شهر

2449 ـ حدّثنا مُحَمَّدُ بنُ كَثِيرٍ: حدَّثنا هَمَّامٌ، عن أنَسٍ أخِي مُحَمَّدٍ، عن ابنِ مِلْحَانَ الْقَيْسِيِّ، عن أبِيهِ قال: كَانَ رَسُولُ اللَّهِ ﷺ يَأْمُرُنَا أنْ نَصُومَ الْبِيضَ ثَلاَثَ عَشْرَةَ وَأَرْبَعَ عَشْرَةَ، وَخَمْسَ عَشْرَةَ، قال: وَقال: «**هُنَّ كَهَيْئَةِ الدَّهْرِ**».

2450- It is narrated on the authority of Abdullah that he said: The Messenger of Allah "Allah's blessing and peace be upon him" used to observe three fasts from the middle of every month.

[69] What About The Opinion That Those Should Be On Monday And Thursday

2451- It is narrated on the authority of Hafsah that she said: The Messenger of Allah "Allah's blessing and peace be upon him" used to observe three fasts (monthly): Monday, Thursday, and Monday of the coming week.

2452- It is narrated on the authority of Hunaidah Al-Khuza'i from his mother that she said: I came to visit Umm Salamah and asked her about the voluntary fasts, thereupon she said: The Messenger of Allah "Allah's blessing and peace be upon him" ordered me to observe three fasts monthly, beginning with Monday and Thursday.

[70] What About The Opinion That It Is Of No Account From Which Portion Of The Month They Might Be

2453- It is narrated on the authority of Mu'adhah that she said: I asked A'ishah: "Did The Messenger of Allah "Allah's blessing and peace be upon him" use to observe three fasts monthly?" she replied in the affirmative. I asked her: "From which portion of the month did he use to observe fasts?" she said: "It was of no account to him from which portion of the month he would observe fasts."

[71] Having The Intention To Observe Fast

2454- It is narrated on the authority of Salim Ibn Abdullah from his father from Hafsah, the wife of the Messenger of Allah "Allah's blessing and peace be upon him", that the Messenger of Allah "Allah's blessing and peace be upon him" said: "He, who does not have the intention to observe fast (on the coming day) before dawn, his fasting is invalid."

Abu Dawud says: A Hadith like this is narrated on the authority of Abdullah Ibn Abu Bakr, and many transmitters end it up to Hafsah, without tracing it up to the Messenger of Allah "Allah's blessing and peace be upon him".

[72] The Concession Pertaining To That

2455- It is narrated on the authority of A'ishah that she said: Whenever the Messenger of Allah "Allah's blessing and peace be upon him" visited me and said: "Do you have anything (to eat)?" and We

2450 - حدّثنا أبو كَامِلٍ: حدَّثنا أبو دَاوُدَ: حدَّثنا شَيْبَانُ، عن عَاصِمٍ، عن زِرٍّ، عن عَبْدِ اللَّهِ قال: «كَانَ رَسُولُ اللَّهِ ﷺ يَصُومُ ـ يَعْني مِنْ غُرَّةِ كُلِّ شَهْرٍ ـ ثَلاَثَةَ أيَّامٍ».

[ت69/م69] ـ باب من قال: الاثنين والخميس

2451 - حدّثنا مُوسَى بنُ إسْمَاعِيلَ: حدَّثنا حَمَّادٌ، عن عَاصِمِ بنِ بَهْدَلَةَ، عن سواءٍ الْخُزَاعِيِّ، عن حَفْصَةَ قالَتْ: «كَانَ رَسُولُ اللَّهِ ﷺ يَصُومُ ثَلاَثَةَ أيَّامٍ مِنَ الشَّهْرِ، الاثْنَيْنِ وَالْخَمِيسَ وَالاثْنَيْنِ مِنَ الْجُمُعَةِ الأُخْرَى».

2452 - حدّثنا زُهَيْرُ بنُ حَرْبٍ: حدَّثنا مُحَمَّدُ بنُ فُضَيْلٍ: حدَّثنا الْحَسَنُ بنُ عُبَيْدِ اللَّهِ، عن هُنَيْدَةَ الْخُزَاعِيِّ، عن أُمِّهِ قالَتْ: «دَخَلْتُ عَلَى أُمِّ سَلَمَةَ فَسَأَلْتُهَا عن الصِّيَامِ فَقَالَتْ: كَانَ رَسُولُ اللَّهِ ﷺ يَأْمُرُنِي أنْ أصُومَ ثَلاَثَةَ أيَّامٍ مِنْ كُلِّ شَهْرٍ، أوَّلُهَا الاثْنَيْنَ وَالْخَمِيسُ».

[ت70/م70] ـ باب من قال: لا يبالي من أي الشهر

2453 - حدّثنا مُسَدَّدٌ: حدَّثنا عَبْدُ الْوَارِثِ، عن يَزِيدَ الرِّشْكِ، عن مُعَاذَةَ قالَتْ: «قُلْتُ لِعَائِشَةَ: أكَانَ رَسُولُ اللَّهِ ﷺ يَصُومُ مِنْ كُلِّ شَهْرٍ ثَلاَثَةَ أيَّامٍ؟ قَالَتْ: نَعَمْ، قُلْتُ: مِنْ أيِّ شَهْرٍ كَانَ يَصُومُ؟ قالَتْ: ما كَانَ يُبَالِي مِنْ أيِّ أيَّامِ الشَّهْرِ كَانَ يَصُومُ».

[ت71/م71] ـ باب النية في الصيام

2454 - حدّثنا أحْمَدُ بنُ صَالِحٍ: حدَّثنا عَبْدُ اللَّهِ بنُ وَهْبٍ، قال: حدَّثني ابنُ لَهِيعَةَ وَيَحْيَى بنُ أيُّوبَ، عن عَبْدِ اللَّهِ بنِ أبي بَكْرِ بنِ حَزْمٍ، عن ابنِ شِهَابٍ، عن سَالِمِ بنِ عَبْدِ اللَّهِ، عن أبيهِ، عن حَفْصَةَ زَوْجِ النَّبِيِّ ﷺ أنَّ رَسُولَ اللَّهِ ﷺ قال: **«مَنْ لَمْ يُجْمِعِ الصِّيَامَ قَبْلَ الْفَجْرِ فَلاَ صِيَامَ لَهُ»**.

قال أبُو دَاوُدَ: رَوَاهُ اللَّيْثُ وَإسْحَاقُ بنُ حَازِمٍ أيْضًا جَمِيعًا عن عَبْدِ اللَّهِ بنِ أبي بَكْرٍ مِثْلَهُ، وَوَقَفَهُ عَلَى حَفْصَةَ مَعْمَرٌ وَالزُّبَيْدِيُّ وَابْنُ عُيَيْنَةَ وَيُونُسُ الأيْلِيُّ كُلُّهُمْ عن الزُّهْرِيِّ.

[ت72/م72] ـ باب في الرخصة في ذلك

2455 - حدّثنا مُحَمَّدُ بنُ كَثِيرٍ: حدَّثنا سُفْيَانُ. (ح) وحدَّثنا عُثْمَانُ بنُ أبي شَيْبَةَ: حدَّثنا وَكِيعٌ، جَمِيعًا عن طَلْحَةَ بنِ يَحْيَى، عن عَائِشَةَ بِنْتِ طَلْحَةَ، عن عَائِشَةَ رضي اللَّهِ

replied: "No, We have nothing" He would then say: "I'm going to observe fast." On another day, he came to us and we said: "O Messenger of Allah! A gift of dates with cottage cheese and butter was given to us, and we kept it for you." He said: "Show it to me. However, I had got up in the morning, with the intention to observe fast (but now I'm going to break it)." Then, he broke it.

2456- It is narrated on the authority of Umm Hani that she said: When it was the day of the Conquest of Mecca, Fatimah came and sat on the left side of the Messenger of Allah "Allah's blessing and peace be upon him", and Umm Hani on his right side. A girl brought a utensil full of something to drink, and gave it to him, and he drank from it, and then gave it to Umm Hani, who drank from it. She said: "O Messenger of Allah! I had been fasting, and now I have broken my fast." The Messenger of Allah "Allah's blessing and peace be upon him" said to her: "Had you been observing any missed fasts?" she replied in the negative, thereupon he said: "Then, since it is only a voluntary fast, there is no harm on you (if you break it)."

[73] What About The Opinion That A Fast Is Due Upon Such As Breaks It

2457- It is narrated on the authority of Urwah Ibn Az-Zubair from A'ishah that she said: I and Hafsah were fasting (voluntarily) when a gift of food was presented to us, (from which we ate and) broke our fast. Later on the Messenger of Allah "Allah's blessing and peace be upon him" entered upon us to whom we said: "O Messenger of Allah! A gift of food was presented to us, and we had appetite for it, and thus we (ate and) broke our fast." On that the Messenger of Allah "Allah's blessing and peace be upon him" said: "Do not care! Observe a fast in lieu of it."

[74] A Woman Fasts Without Taking The Leave Of Her Husband

2458- It is narrated on the authority of Abu Hurairah that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "No woman is permitted to observe fasts without the leave of her husband, in case he is present, barring the fasts of Ramadan, nor is she allowed to admit anyone in his house, in case he is present, without his permission."

2459- It is narrated on the authority of Abu Sa'id that he said: A woman came to the Messenger of Allah "Allah's blessing and peace be upon him" and we were sitting with him, and said: "O Messenger of

عنها قالَتْ: «كَانَ النَّبيُّ ﷺ إذا دَخلَ عَلَيَّ قال: «**هَلْ عِنْدَكُم طَعَامٌ؟**» فإذا قُلْنَا: لاَ، قال: «**إنِّي صَائِمٌ**». زَادَ وَكِيعٌ: فَدَخلَ عَلَيْنَا يَوْمًا آخرَ، فَقُلْنا: يَا رَسُولَ اللَّهِ أُهْدِيَ لَنَا حَيْسٌ فَحَبَسْنَاهُ لَكَ، فقال: «**أَدْنِيهِ**» قال طلحةُ: فَأَصْبَحَ صَائِمًا وَأَفْطَرَ».

2456 ـ حدّثنا عُثْمَانُ بنُ أبي شَيْبَةَ: حدَّثنا جَرِيرُ بنُ عَبْدِ الْحَمِيدِ، عن يَزِيدَ بنِ أبي زِيَادٍ، عن عَبْدِ اللَّهِ بنِ الْحَارِثِ، عن أُمِّ هَانِىءٍ قالَتْ: لَمَّا كَانَ يَوْمُ الْفَتْحِ ـ فَتْحِ مَكَّةَ ـ جَاءَتْ فَاطِمَةُ فَجَلَسَتْ عن يَسَارِ رَسُولِ اللَّهِ ﷺ وَأُمُّ هَانِىءٍ عن يَمِينِهِ، قالَتْ: فَجَاءَتِ الْوَلِيدَةُ بإنَاءٍ فِيهِ شَرَابٌ، فَنَاوَلَتْهُ فَشَرِبَ مِنْهُ، ثُمَّ نَاوَلَهُ أُمَّ هَانِىءٍ فَشَرِبَتْ مِنْهُ، فَقالَتْ: يَا رَسُولَ اللَّهِ لَقَدْ أَفْطَرْتُ وَكُنْتُ صَائِمَةً، فقالَ لَهَا: «**أَكُنْتِ تَقْضِينَ شَيْئاً؟**» قالَتْ: لاَ، قال: «**فَلاَ يَضُرُّكِ إنْ كَانَ تَطَوُّعًا**».

[ت73/م73] ـ باب من رأى عليه القضاء

2457 ـ حدّثنا أَحْمَدُ بنُ صَالِحٍ: حدَّثنا عَبْدُ اللَّهِ بنُ وَهْبٍ، قال: أخبرني حَيْوَةُ بنُ شُرَيْحٍ، عن ابن الْهَادِ، عن زُمَيْلٍ مَوْلَى عُرْوَةَ، عَنْ عُرْوَةَ بنِ الزُّبَيْرِ، عن عَائِشَةَ قالَتْ: أُهْدِيَ لِي وَلِحَفْصَةَ طَعَامٌ وَكُنَّا صَائِمَتَيْنِ فأفْطَرْنا، ثُمَّ دَخلَ رَسُولُ اللَّهِ ﷺ فَقُلْنَا: يا رَسُولَ اللَّهِ إنَّا أُهْدِيَتْ لَنَا هَدِيَّةٌ فَاشْتَهَيْنَاهَا فأَفْطَرْنَا، فقال رَسُولُ اللَّهِ ﷺ: «**لاَ عَلَيْكُمَا، صُومَا مَكَانَهُ يَوْمًا آخرَ**».

[ت74/م74] ـ باب المرأة تصوم بغير إذن زوجها

2458 ـ حدّثنا الْحَسَنُ بنُ عَلِيٍّ: حدَّثنا عَبْدُ الرَّزَّاقِ: حدَّثنا مَعْمَرٌ، عن هَمَّام بنِ مُنَبِّهٍ أَنَّهُ سَمِعَ أبَا هُرَيْرَةَ يقُولُ: قال رَسُولُ اللَّهِ ﷺ: «**لاَ تَصُومُ امْرَأَةٌ وَبَعْلُهَا شَاهِدٌ إلاَّ بإذْنِهِ غَيْرَ رَمَضَانَ، وَلا تَأْذَنُ في بَيْتِه وَهُوَ شَاهِدٌ إلاَّ بِإِذْنِهِ**».

2459 ـ حدّثنا عُثْمَانُ بنُ أبي شَيْبَةَ: حدَّثنا جَرِيرٌ، عن الأعمَشِ، عن أبي صَالحٍ، عن أبي سَعِيدٍ قال: جَاءَتِ امْرَأَةٌ إلى النَّبيِّ ﷺ وَنَحْنُ عِنْدَهُ فقالَتْ: يَا

Allah! My husband, Safwan Ibn Al-Mu'attal beats me when I offer prayer, forces me to break my fast when I observe fast (voluntarily), and he does not offer Fajr prayer until the sun rises." Since Safwan was sitting (in this gathering) with him, he asked him about that, and Safwan said: "O Messenger of Allah! As to her statement "He beats me when I offer prayer", she used to recite two Surahs (per rak'ah), and I have forbidden her to do so." He said: "If it is only one Surah, it will be sufficient for all the people (in their prayer)." He resumed: "As to her statement "He forces me to break fast when I observe fast", she hastens to observe voluntary fasts, and I'm a young man, and could not keep patient for a long time (without having sexual relation with her)." On that the Messenger of Allah "Allah's blessing and peace be upon him" said: "No woman is permitted to observe fast (voluntarily) without taking the leave of her husband." He then resumed: "As to her statement "He does not offer Morning prayer until the sun rises", we are of a house, famous of that habit, that we never get up before the sun rises." On that he said: "Once you get up, offer prayer."

Abu Dawud says: The same is narrated on the authority of Hammad Ibn Salamah.

[75] When A Fasting Person Is Invited To A Banquet

2460- It is narrated on the authority of Abu Hurairah that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "When anyone of you is invited to a banquet, let him answer the invitation: if he is not fasting, let him eat, and if he is fasting, let him invoke (good for his inviters)."

Abu Dawud says: The same is narrated on the authority of Hafs Ibn Ghayyath from Hisham.

[76] What Should A Fasting Person Say When He Is Invited To Get Food?

2461- It is narrated on the authority of Abu Hurairah that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "When anyone of you is invited to have food and he is fasting, let him say: "I'm fasting."

[77] Practicing I'tikaf

(To stay in seclusion in the mosque)

2462- It is narrated on the authority of A'ishah that the Messenger of Allah "Allah's blessing and peace be upon him" used to practice I'tikaf

رَسُولَ اللَّهِ إنَّ زَوْجِي صَفْوَانَ بنَ المُعَطَّلِ يَضْرِبُنِي إذَا صَلَّيْتُ وَيُفَطِّرُني إذَا صُمْتُ، وَلاَ يُصَلِّي صَلاَةَ الْفَجْرِ حَتَّى تَطْلُعَ الشَّمْسُ. قال: وَصَفْوَانُ عِنْدَهُ، قال: فَسَأَلَهُ عمَّا قالَتْ، فقال: يَا رَسُولَ اللَّهِ، أمَّا قَوْلُهَا: يَضْرِبُنِي إذَا صَلَّيْتُ، فإنَّهَا تَقْرَأُ بِسُورَتَيْنِ وَقَدْ نَهَيْتُهَا. قال: فقالَ: لَوْ كَانَتْ سُورَةً وَاحِدَةً لَكَفَتِ النَّاسَ، وَأمَّا قَوْلُها: يُفَطِّرُني، فإنَّهَا تَنْطَلِقُ فَتَصُومُ وَأنَا رَجُلٌ شَابٌّ فَلاَ أصْبِرُ، فقالَ رَسُولُ اللَّهِ ﷺ يَوْمَئِذٍ: «**لا تَصُومُ امْرأةٌ إلاَّ بإذْنِ زَوْجِهَا**». وَأمَّا قَوْلُهَا: إنِّي لا أُصَلِّي حَتَّى تَطْلُعَ الشَّمْسُ فإنَّا أهْلُ بَيْتٍ قَدْ عُرِفَ لَنَا ذَاكَ، لا نَكَادُ نَسْتَيْقِظُ حتَّى تَطْلُعَ الشَّمْسُ. قال: «**فإذَا اسْتَيْقَظْتَ فَصَلِّ**».

قال أَبُو دَاوُدَ: رَوَاهُ حَمَّادٌ ـ يَعني ابنَ سَلَمَةَ ـ عن حُمَيْدٍ أوْ ثَابِتٍ عن أبي المُتَوَكِّلِ.

[ت75/م75] ـ باب في الصائم يدعى إلى وليمة

2460 ـ حدّثنا عَبْدُ اللَّهِ بنُ سَعِيدٍ: حدَّثنا أبُو خَالِدٍ، عن هِشَامٍ، عن ابنِ سِيرِينَ، عن أبي هُرَيْرَةَ قال: قال رَسُولُ اللَّهِ ﷺ: «**إذَا دُعِيَ أحَدُكُمْ فَلْيُجِبْ، فإنْ كَانَ مُفْطِرًا فَلْيَطْعَمْ، وَإنْ كَانَ صَائمًا فَلْيُصَلِّ**» قال هِشَامٌ: وَالصَّلاَةُ الدُّعَاءُ.

قال أَبُو دَاوُدَ: رَوَاهُ حَفْصُ بنُ غِيَاثٍ أيضًا عن هِشَامٍ.

[ت76/م76] ـ باب ما يقول الصائم إذا دعي إلى الطعام

2461 ـ حدّثنا مُسَدَّدٌ: حدَّثنا سُفْيَانُ، عن أبي الزِّنَادِ، عن الأعْرَجِ، عن أبي هُرَيْرَةَ قال: قال رَسُولُ اللَّهِ ﷺ: «**إذَا دُعِيَ أحَدُكُم إلى طَعَامٍ وَهُوَ صَائِمٌ فَلْيَقُلْ: إنِّي صَائِمٌ**».

[ت77/م77] ـ باب الاعتكاف

2462 ـ حدّثنا قُتَيْبَةُ بنُ سَعِيدٍ: حدَّثنا اللَّيْثُ، عن عُقَيْلٍ، عن الزُّهْرِيِّ، عن عُرْوَةَ، عن عَائِشَةَ: «أنَّ النَّبيَّ ﷺ كَانَ يَعْتَكِفُ العَشْرَ الأَوَاخِرَ مِنْ رَمَضَانَ حتَّى

for the last ten days of (the month of) Ramadan until he died; and his wives did so after him.

2463- It is narrated on the authority of Ubai Ibn Ka'b that the Messenger of Allah "Allah's blessing and peace be upon him" used to practice I'tikaf for the last ten days of Ramadan. One year he did not do, thereupon when it was the coming year he practiced I'tikaf for twenty nights.

2464- It is narrated on the authority of A'ishah that she said: Whenever the Messenger of Allah "Allah's blessing and peace be upon him" wanted to practice I'tikaf, he would offer the Morning Prayer, and then he would enter the place of his I'tikaf. One year, he intended to practice I'tikaf for the last ten (days) of Ramadan, and ordered that a tent should be pitched for him, and when I heard of that I ordered that a tent should be pitched for me, and also some of his wives ordered that tents should be pitched for them. When the Messenger of Allah "Allah's blessing and peace be upon him" offered Fajr prayer and saw those tents, he said: "What is that? Is it righteousness that you really intend?" he ordered that his tent be put down, and those of his wives be put down too, and he delayed I'tikaf to the first ten (days) of Shawwal.

Abu Dawud says: The same is narrated on the authority of Yahya Ibn Sa'id, in which he told that he practiced I'tikaf for twenty nights from the month of Shawwal.

[78] Where Should One Practice I'tikaf

2465- It is narrated on the authority of Nafi' that Ibn Umar told that the Messenger of Allah "Allah's blessing and peace be upon him" used to practice I'tikaf during the last ten (nights) of Ramadan. Nafi' said: Abdullah showed to me the very place in the mosque where the Messenger of Allah "Allah's blessing and peace be upon him" used to practice I'tikaf.

2466- It is narrated on the authority of Abu Hurairah that he said: It was the habit of the Messenger of Allah "Allah's blessing and peace be upon him" to practice I'tikaf for ten days from the month of Ramadan every year. When it was the year in which he died, he practiced I'tikaf for twenty days.

قَبَضَهُ اللَّهُ، ثُمَّ اعْتَكَفَ أَزْوَاجُهُ مِنْ بَعْدِهِ».

2463 ـ حدّثنا مُوسَى بنُ إِسْمَاعِيلَ: حدَّثنا حَمَّادٌ: أخبرنا ثَابِتٌ، عن أبي رَافِعٍ، عن أُبِيِّ بنِ كَعْبٍ: «أَنَّ النَّبيَّ ﷺ كَانَ يَعْتَكِفُ الْعَشْرَ الأَوَاخِرَ مِنْ رَمَضَانَ، فَلَمْ يَعْتَكِفْ عَامًا، فَلَمَّا كَانَ في الْعَامِ الْمُقْبِلِ اعْتَكَفَ عِشْرِينَ لَيْلَةً».

2464 ـ حدّثنا عُثْمَانُ بنُ أبي شَيْبَةَ: حدَّثنا أبُو مُعَاوِيَةَ، وَيَعْلَى بنُ عُبَيْدٍ، عن يَحْيَى بنِ سَعِيدٍ، عن عَمْرَةَ، عن عَائِشَةَ قالَتْ: «كَانَ رَسُولُ اللَّهِ ﷺ إِذَا أَرَادَ أَنْ يَعْتَكِفَ صَلَّى الْفَجْرَ، ثُمَّ دَخَلَ مُعْتَكَفَهُ، قالَتْ: وَإِنَّهُ أَرادَ مَرَّةً أَنْ يَعْتَكِفَ في الْعَشْرِ الأَوَاخِرِ مِنْ رَمَضَانَ، قالَتْ: فأَمَرَ بِبِنَائِهِ فَضُرِبَ، فَلَمَّا رَأَيْتُ ذٰلِكَ أَمَرْتُ بِبِنَائِي فَضُرِبَ، قالَتْ: وَأَمَرَ غَيْرِي مِنْ أَزْوَاجِ النَّبيِّ ﷺ بِبِنَائِهِ فَضُرِبَ، فَلَمَّا صَلَّى الْفَجْرَ نَظَرَ إِلَى الأَبْنِيَةِ، فَقَالَ: «**مَا هٰذِهِ؟ آلْبِرَّ تُرِدْنَ؟**» قالت: فأمر ببنائه فَقُوِّضَ وَأَمَرَ أَزْوَاجَهُ بِأَبْنِيَتِهِنَّ فَقُوِّضَتْ، ثُمَّ أَخَّرَ الاعْتِكَافَ إلى الْعَشْرِ الأَوَّلِ يَعْني مِنْ شَوَّال».

قال أَبُو دَاوُدَ: رَوَاهُ ابنُ إِسْحَاقَ وَالأَوْزَاعِيُّ، عن يَحْيَى بنِ سَعِيدٍ نَحْوَهُ، وَرَوَاهُ مَالِكٌ، عنْ يَحْيَى بنِ سَعِيدٍ قال: «اعْتَكَفَ عِشْرِينَ مِنْ شَوَّالٍ».

[ت78/م78] ـ باب أين يكون الاعتكاف؟

2465 ـ حدّثنا سُلَيْمَانُ بنُ دَاوُدَ المَهْرِيُّ: أخبرنا ابنُ وَهْبٍ، عن يُونُسَ أَنَّ نَافِعًا أَخْبَرَهُ عن ابنِ عُمَرَ: «أَنَّ النَّبيَّ ﷺ كَانَ يَعْتَكِفُ الْعَشْرَ الأَوَاخِرَ مِنْ رَمَضَانَ. قال نَافِعٌ: وَقَدْ أَرَانِي عَبْدُ اللَّهِ المَكَانَ الَّذِي كَانَ يَعْتَكِفُ فِيهِ رَسُولُ اللَّهِ ﷺ مِنَ المَسْجِدِ».

2466 ـ حدّثنا هَنَّادٌ، عنْ أبي بَكْرٍ، عنْ أبي حَصِينٍ، عن أبي صَالِحٍ، عن أبي هُرَيْرَةَ قال: «كَانَ النَّبيُّ ﷺ يَعْتَكِفُ كُلَّ رَمَضانَ عَشْرَةَ أَيَّامٍ، فَلَمَّا كَانَ الْعَامُ الَّذِي قُبِضَ فِيهِ اعْتَكَفَ عِشْرِينَ يَوْمًا».

[79] Such As In The State Of I'tikaf Could Enter The House To Answer The Call Of Nature

2467- It is narrated on the authority of A'ishah that she said: Whenever the Messenger of Allah "Allah's blessing and peace be upon him" was in I'tikaf, he would bring his head near me, so that I would comb his hair, and he did not enter the house but to answer the call of nature.

2468- The same is narrated on the authority of both Urwah and Amrah from A'ishah from the Messenger of Allah "Allah's blessing and peace be upon him", with the same chain of transmitters.

Abu Dawud says: The same is narrated on the authority of Az-Zuhri from A'ishah from the Messenger of Allah "Allah's blessing and peace be upon him".

2469- It is narrated on the authority of A'ishah that she said: While the Messenger of Allah "Allah's blessing and peace be upon him" was in the state of I'tikaf in the mosque, he would draw his head closer to me, while being in my chamber, getting my menses, so that I would wash it for him, and comb his hair.

2470- It is narrated on the authority of Ali Ibn Al-Husain: Safiyyah, daughter of Huyai,, the wife of The Prophet "Allah's blessing and peace be upon him" said: I went to Allah's Apostle "Allah's blessing and peace be upon him" to visit him in the mosque while he was in I'tikaf. I had a talk with him for a while, and then I got up in order to return home. The Prophet "Allah's blessing and peace be upon him" accompanied me until I would return home (and her residence was in the house of Usamah Ibn Zaid), thereupon two Ansari men passed by and when they saw the Messenger of Allah "Allah's blessing and peace be upon him" (in the company of his wife) they went away quickly. The Messenger of Allah "Allah's blessing and peace be upon him" said to them: "Do not run away! She is (my wife) Safiyyah Bint Huyai." Both of them said: "Glory be to Allah! How dare we think of any evil O Allah's Apostle!" The Prophet "Allah's blessing and peace be upon him" said (to them): "Satan reaches everywhere in the human body as blood reaches everywhere in one's body. I was afraid that Satan might put an evil thought in your minds."

2471-The same is narrated on the authority of Az-Zuhri through the same chain of transmitters, in which she said: When they reached the gate of the mosque, opposite to the door of Umm Salamah, two Ansari men were passing by...and the rest is the same.

[ت79/م79] ـ باب المُعْتَكف يَدْخُل البيت لحاجته

2467 ـ حدّثنا عَبْدُ اللَّهِ بنُ مَسْلَمَةَ، عنْ مَالِكٍ، عن ابنِ شِهَابٍ، عنْ عُرْوَةَ بنِ الزُّبَيْرِ، عن عَمْرَةَ بِنْتِ عَبْدِ الرَّحْمٰنِ، عنْ عَائِشَةَ قالَتْ: «كَانَ رَسُولُ اللَّهِ ﷺ إِذَا اعْتَكَفَ يُدْنِي إِلَيَّ رَأْسَهُ فَأُرَجِّلَهُ، وَكَانَ لاَ يَدْخُلُ الْبَيْتَ إلاَّ لِحَاجَةِ الإِنْسَانِ».

2468 ـ حدّثنا قُتَيْبَةُ بنُ سَعِيدٍ وَعَبْدُ اللَّهِ بنُ مَسْلَمَة قالاَ: حدَّثنا اللَّيْثُ، عن ابنِ شِهَابٍ، عنْ عُرْوَةَ وَعَمْرَةَ، عنْ عَائِشَةَ، عن النَّبيِّ ﷺ نَحْوَهُ.

قال أَبُو دَاوُدَ: وَكَذٰلِكَ رَوَاهُ يُونُسُ، عن الزُّهْرِيِّ وَلَمْ يُتَابعْ أحَدٌ مَالِكًا عَلَى عُرْوَةَ عنْ عَمْرَةَ، وَرَوَاهُ مَعْمَرٌ وَزِيَادُ بنُ سَعْدٍ وَغَيْرُهُمَا، عنِ الزُّهْرِيِّ، عن عُرْوَةَ، عن عَائِشَةَ.

2469 ـ حدّثنا سُلَيْمَانُ بنُ حَرْبٍ وَمُسَدَّدٌ قالاَ: حدَّثنا حَمَّادُ بنُ زَيْدٍ، عنْ هِشَامِ بن عُرْوَةَ، عن أبِيهِ، عن عَائِشَةَ قالَتْ: «كَانَ رَسُولُ اللَّهِ ﷺ يَكُونُ مُعْتَكِفًا في المَسْجِدِ، فَيُنَاوِلُنِي رَأْسَهُ مِنْ خَلَلِ الْحُجْرَةِ فَأغْسِلُ رَأْسَهُ»، وَقالَ مُسَدَّدٌ: «فَأُرَجِّلُهُ وَأنَا حَائِضٌ».

2470 ـ حدّثنا أَحْمَدُ بنُ مُحَمَّدِ بنِ شَبُّوَيْهِ المَرْوَزِيُّ: حدَّثنا عَبْدُ الرَّزَّاقِ، قال: أخبرنا مَعْمَرٌ، عن الزُّهْرِيِّ، عن عَلِيِّ بنِ حُسَيْنٍ، عنْ صَفِيَّةَ، قالَتْ: كَانَ رَسُولُ اللَّهِ ﷺ مُعْتَكِفًا، فَأَتَيْتُهُ أَزُورُهُ لَيْلاً فَحَدَّثْتُهُ، ثُمَّ قُمْتُ فَانْقَلَبْتُ، فَقَامَ مَعِي لِيَقْلِبَنِي، وَكَانَ مَسْكَنُهَا في دَارِ أُسَامَةَ بنِ زَيْدٍ فَمَرَّ رَجُلانِ مِنَ الأَنْصَارِ، فَلَمَّا رَأيَا النَّبيَّ ﷺ أسْرَعَا، فقالَ النَّبيُّ ﷺ: **«عَلَى رِسْلِكُمَا إِنَّهَا صَفِيَّةُ بِنْتُ حُيَيٍّ»** قالاَ: سُبْحَانَ اللَّهِ يا رَسُولَ اللَّهِ! قال: **«إِنَّ الشَّيْطَانَ يَجْرِي مِنَ الإِنْسَانِ مَجْرَى الدَّمِ، فَخَشِيتُ أَنْ يَقْذِفَ في قُلُوبِكُمَا شَيْئًا»** أَوْ قالَ: **«شَرًّا»**.

2471 ـ حدّثنا مُحَمَّدُ بنُ يَحْيَى بنِ فَارِسٍ: حدَّثنا أَبُو الْيَمَانِ: أخبرنا شُعَيْبٌ، عن الزُّهْرِيِّ بِإِسْنَادِهِ بِهٰذَا، قالَتْ: «حَتَّى إِذَا كَانَ عِنْدَ بَابَ المَسْجِدِ الَّذِي عِنْدَ بَابِ أُمِّ سَلَمَةَ مَرَّ بِهِمَا رَجُلاَنِ» وَسَاقَ مَعْنَاهُ.

[80] such as in the state of I'tikaf could visit the sick (to enquire about his health)

2472- It is narrated on the authority of A'ishah that she said: It happened that the Messenger of Allah "Allah's blessing and peace be upon him", while being in the state of I'tikaf, came upon a sick person, even though he did not go to enquire about his health. Ibn Isa relates in his narration that she said: It happened that the Messenger of Allah "Allah's blessing and peace be upon him", while being in the state of I'tikaf, visited the patient and enquired about his health.

2473- It is narrated on the authority of A'ishah that she said: It is out of the sunnah for such as in the state of I'tikaf not to visit a patient (to enquire about his health), nor to attend a funeral procession, nor to touch or approach a woman, nor to get out (of the mosque) for any need, unless there is necessity. Furthermore, no I'tikaf is valid unless one is fasting, and no I'tikaf is valid unless it is practiced in the mosque.

2474- It is narrated on the authority of Ibn Umar that Umar had vowed to practice I'tikaf for a night during the pre-Islamic period of ignorance, and he asked the Messenger of Allah "Allah's blessing and peace be upon him" about that, and he said to him: "Practice I'tikaf and observe a fast."

2475- The same is narrated on the authority of Abdullah Ibn Budail, to which he added: While he was in the state of I'tikaf, the people magnified Allah. He asked: "What is that O Abdullah?" he said: "The Messenger of Allah "Allah's blessing and peace be upon him" has emancipated the young men of Hawazin." He said: "Then, send this slave-girl with them (since I emancipated her)."

[81] A Woman Suffering From Persistent Bleeding From The Uterus Practices I'tikaf

2476- It is narrated on the authority of A'ishah that she said: One of the wives of the Prophet "Allah's blessing and peace be upon him" practiced I'tikaf with him (in the mosque), and on detecting the redness (of the blood) and yellowish discharge (so much that) we put a vessel underneath her while she was praying.

[ت80/م80] ـ باب المُعْتَكِف يعود المريض

2472 ـ حدّثنا عَبْدُ اللّهِ بنُ مُحَمَّدٍ النُّفَيْلِيُّ وَمُحَمَّدُ بنُ عِيسَى قالا: حدَّثنا عَبْدُ السَّلاَمِ بنُ حَرْبٍ: أخبرنا اللَّيْثُ بنُ أبي سُلَيْمٍ عن عَبْدِ الرَّحْمٰنِ بن الْقَاسِمِ، عن أبيهِ، عن عَائِشَةَ قال النُّفَيْلِيُّ: قالَتْ: «كَانَ النَّبيُّ ﷺ يَمُرُّ بالمَرِيضِ وَهُوَ مُعْتَكِفٌ، فَيَمُرُّ كَمَا هُوَ، وَلاَ يُعَرِّجُ يَسْألُ عَنْهُ». وَقالَ ابنُ عِيسَى: قالَتْ: «إنْ كَانَ النَّبيُّ ﷺ يَعُودُ المَرِيضَ، وَهُوَ مُعْتَكِفٌ».

2473 ـ حدّثنا وَهْبُ بنُ بَقِيَّةَ: أخبرنا خَالِدٌ، عن عَبْدِ الرَّحْمٰنِ ـ يَعْني ابنَ إسْحَاقَ ـ، عن الزُّهْرِيِّ، عن عُرْوَةَ، عن عَائِشَةَ أنَّهَا قالَتْ: «السُّنَّةُ عَلَى المَعْتَكِفِ أنْ لاَ يَعُودَ مَرِيضًا، وَلاَ يَشْهَدُ جَنَازَةً، وَلاَ يَمَسُّ امْرَأةً، وَلاَ يُبَاشِرُهَا، وَلاَ يَخْرُجُ لِحَاجَةٍ إلاَّ لِمَا لاَ بُدَّ مِنْهُ، وَلاَ اعْتِكَافَ إلاَّ بِصَوْمٍ، وَلاَ اعْتِكَافَ إلاَّ في مَسْجِدٍ جَامِعٍ».

قال أَبُو دَاوُدَ: غَيْرُ عَبْدِ الرَّحْمٰنِ بنِ إسْحَاقَ لا يَقُولُ فِيهِ «قالَتْ: السُّنَّةُ».

قال أَبُو دَاوُدَ: جَعَلَهُ قَوْلَ عَائِشَةَ.

2474 ـ حدّثنا أَحْمَدُ بنُ إبْرَاهِيمَ: حدَّثنا أبُو دَاوُدَ: حدَّثنا عَبْدُ اللّهِ بنُ بُدَيْلٍ، عنْ عَمْرِو بن دِينَارٍ، عن ابنِ عُمَرَ: أنَّ عُمَرَ رَضِيَ اللّهِ عنه جَعَلَ عَلَيْهِ أنْ يَعْتَكِفَ في الْجَاهِلِيَّةِ لَيْلَةً أوْ يَوْمًا عِنْدَ الْكَعْبَةِ، فَسَأَلَ النَّبيَّ ﷺ فَقالَ: «**اعْتَكِفْ وَصُمْ**».

2475 ـ حدّثنا عَبْدُ اللّهِ بنُ عُمَرَ بن مُحَمَّدِ بنِ أبَانَ بنِ صَالِحٍ الْقُرَشِيِّ: حدَّثنا عَمْرُو بنُ مُحَمَّدٍ ـ يَعْني الْعَنْقَرِيَّ ـ، عن عَبْدِ اللّهِ بن بُدَيْلٍ بإسْنَادِهِ نَحْوَهُ قالَ: «فَبَيْنَمَا هُوَ مُعْتَكِفٌ إذْ كَبَّرَ النَّاسُ فَقَالَ: مَا هٰذَا يا عَبْدَ اللّهِ؟ قالَ: سَبْيُ هَوَازِنَ أعْتَقَهُمْ رَسُولُ اللّهِ ﷺ قال: وَتِلْكَ الْجَارِيَةُ فأرْسَلَهَا مَعَهُمْ».

[ت81/م81] ـ باب في المستحاضة تعتكف

2476 ـ حدّثنا مُحَمَّدُ بنُ عِيسَى وَقُتَيْبَةُ بنُ سَعِيدٍ قالا: حدَّثنا يَزِيدُ، عن خَالِدٍ، عنْ عِكْرِمَةَ، عن عَائِشَةَ قالَتْ: اعْتَكَفَتْ مَعَ رَسُولِ اللّهِ ﷺ امْرَأةٌ مِنْ أزْوَاجِهِ، فَكَانَتْ تَرَى الصُّفْرَةَ وَالْحُمْرَةَ، فَرُبَّمَا وَضَعْنَا الطَّسْتَ تَحْتَهَا وَهِيَ تُصَلِّي».

(9/15) THE BOOK OF JIHAD

[1] Concerning The Migration And The Residence Of Desert Dwellers

2477- It is narrated on the authority of Abu Sa'id Al-Khudri that he said: A Bedouin asked The Prophet "Allah's blessing and peace be upon him" about migration. The Prophet "Allah's blessing and peace be upon him" said to him: "May Allah be merciful to you. The matter of migration is difficult. Have you got some camels?" He replied: "Yes." The Prophet "Allah's blessing and peace be upon him" asked him: "Do you pay their obligatory charity?" He replied: "Yes." The Prophet "Allah's blessing and peace be upon him" said: "Do good deeds beyond the sea (cities and villages) and Allah will never disregard any of your deeds."

2478- It is narrated on the authority of Al-Miqdam Ibn Shuraih from his father that he said: I asked A'ishah about setting out and living in the desert, thereupon she said: The Messenger of Allah "Allah's blessing and peace be upon him" used to go to the bottoms of those valleys, and once, he wanted to go to the desert, thereupon he sent a forbidden she-camel (which was not accustomed to be ridden), and said to me: "Be gentle (to the she-camel) O A'ishah! Indeed, gentleness never becomes in anything but that it adorns it, and it never is removed from anything but that it defaces it."

[2] Has The Migration Come To An End

2479- It is narrated on the authority of Mu'awiyah that he said: I heard the Messenger of Allah "Allah's blessing and peace be upon him" having said: "The migration never comes to an end until the repentance vanishes; and the repentance never vanishes until the sun rises from its setting place."

2480- It is narrated on the authority of Ibn Abbas that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said on the day of the Conquest of Mecca: "There is no migration (from Mecca to Medina) after the Conquest (of Mecca), but there remain Jihad and good intention; and if you are called (by the Muslim ruler) for fighting, you should go forth immediately."

2481- It is narrated on the authority of Amir that he said: A man came to Abdullah Ibn Amr and there were some people sitting with him. He proceeded until he came near him and said: Tell me something you heard from the Messenger of Allah "Allah's blessing and peace be upon him". He said: I heard the Messenger of Allah "Allah's blessing and peace be upon

[15/9] ـ كتاب الجهاد

[ت1/م1] ـ باب ما جاء في الهجرة وسكنى البدو

2477 ـ حدّثنا مُؤَمَّلُ بنُ الْفَضْلِ: حدَّثنا الْوَلِيدُ ـ يَعْنِي ابنَ مُسْلِمٍ ـ، عن الأَوْزَاعِيِّ، عن الزُّهْرِيِّ، عن عَطَاءِ بنِ يَزِيدَ، عن أَبي سَعِيدٍ الْخُدْرِيِّ: أَنَّ أَعْرَابِيًّا سَأَلَ النَّبيَّ ﷺ عن الهِجْرَةِ فقالَ: «**وَيْحكَ! إنَّ شَأْنَ الهِجْرَةِ شَدِيدٌ، فَهَلْ لَكَ مِنْ إبِلٍ؟**» قالَ: نَعَمْ. قالَ: «**فَهَلْ تُؤَدِّي صَدَقَتَهَا؟**» قالَ: نَعَمْ، قالَ: «**فَاعْمَلْ مِنْ وَرَاءِ الْبِحَارِ، فَإِنَّ اللَّهَ لَنْ يَتِرَكَ مِنْ عَمَلِكَ شَيْئًا**».

2478 ـ حدّثنا عُثْمَانُ وأَبُو بَكْرٍ ابْنا أَبي شَيْبَةَ قالاَ: حدَّثنا شَرِيكٌ، عن المِقْدَامِ بنِ شُرَيْحٍ، عن أَبيهِ قالَ: سَأَلْتُ عَائِشَةَ رَضِيَ اللَّهِ عَنهَا عن الْبَدَاوَةِ فقالَتْ: كَانَ رَسُولُ اللَّهِ ﷺ يَبْدُو إلَى هٰذِهِ التِّلاَعِ وَإِنَّهُ أَرَادَ الْبِدَاوة مَرَّةً فَأَرْسَلَ إلَيَّ نَاقَةً مُحَرَّمَةً مِنْ إبِلِ الصَّدَقَةِ فَقالَ: «**يَا عَائِشَةُ ارْفُقِي فَإِنَّ الرِّفْقَ لَمْ يَكُنْ في شَيْءٍ قَطُّ إلاَّ زَانَهُ، وَلاَ نُزِعَ مِنْ شَيْءٍ قَطُّ إلاَّ شَانَهُ**».

[ت2/م2] ـ باب في الهِجْرَة هل انقطعت؟

2479 ـ حدّثنا إبْرَاهِيمُ بنُ مُوسَى الرَّازِيُّ، قال: أَخبرنا عِيسَى، عَنْ حَرِيزِ بنِ عُثْمَانَ، عن عَبْدِ الرَّحْمٰنِ بنِ أَبي عَوْفٍ، عن أَبي هِنْدٍ، عن مُعَاوِيَةَ قالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «**لاَ تَنْقَطِعُ الهِجْرَةُ حَتَّى تَنْقَطِعَ التَّوْبَةُ، وَلاَ تَنْقَطِعُ التَّوْبَةُ حَتَّى تَطْلُعَ الشَّمْسُ مِنْ مَغْرِبِهَا**».

2480 ـ حدّثنا عُثْمَانُ بنُ أَبي شَيْبَةَ: حدَّثنا جَرِيرٌ، عن مَنْصُورٍ، عن مُجَاهِدٍ، عن طَاوُسٍ، عن ابنِ عَبَّاسٍ قال: قال رَسُولُ اللَّهِ ﷺ يَوْمَ الْفَتْحِ ـ فَتْحِ مَكَّةَ ـ: «**لاَ هِجْرَةَ، وَلَكِنْ جِهَادٌ وَنِيَّةٌ، وَإِذَا اسْتُنْفِرْتُمْ فَانْفِرُوا**».

2481 ـ حدّثنا مُسَدَّدٌ: حدَّثنا يَحْيَى، عن إسْمَاعِيلَ بنِ أَبي خَالِدٍ: حدَّثنا عَامِرٌ قالَ: أَتَى رَجُلٌ عَبْدَ اللَّهِ بنَ عَمْرٍو وَعِنْدَهُ الْقَوْمُ حتى جَلَسَ عِنْدَهُ، فقالَ: أَخْبِرْنِي بِشَيْءٍ سَمِعْتَهُ مِنْ رَسُولِ اللَّهِ ﷺ فقالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ:

him" having said: "The Muslim is him, from whose tongue and hand all the Muslims become safe; and the Muhajir (who is fitting for receiving the reward of an Emigrant in Allah's Cause) is him, who abandons what Allah has forbidden."

[3] Living In Sham

2482- It is narrated on the authority of Abdullah Ibn Amr that he said: I heard the Messenger of Allah "Allah's blessing and peace be upon him" having said: "There will be migration after migration, and the best of the inhabitants of the earth will be him, who will adhere to the migrating place of Abraham, and there will remain the worst of the inhabitants of the earth, whose land will remove, towards whom Allah will have aversion, and whom the fire will muster in the company of apes and swine."

2483- It is narrated on the authority of Ibn Hiwalah that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "You will come to be mobilized soldiers (and be divided into three divisions): soldiers in Sham, soldiers in Yemen, and soldiers in Iraq." Ibn Hiwalah said: "O Messenger of Allah! Choose the best for me if I happen to be present at that time." He said: "I advise you to be in Sham, for it is the best of Allah's land, to which He will bring the best of His servants; and if you fail to go there, I advise you to go to Yemen, and drink from your founts there, for Allah Almighty has pledged to me to safeguard Sham and its inhabitants (from being given to destruction by the affliction)."

[4] The Continuation Of Jihad

2484- It is narrated on the authority of Imran Ibn Husain that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "A division of my (Muslim) nation will remain fighting for the truth, thereupon they will prevail over such as opposes them (and they will remain as such) until the last of them will fight Al-Masih Ad-Dajjal."

[5] The Reward Of Jihad

2485- It is narrated on the authority of Abu Sa'id Al-Khudri that the Messenger of Allah "Allah's blessing and peace be upon him" was asked: "Which of people has his faith the most perfect?" he said: "He is a man who strives in Allah's Cause with his soul and property, and a man who worships Allah in a mountain pass, and suffices the people against his evil."

«المُسْلِمُ مَنْ سَلِمَ المُسْلِمُونَ مِنْ لِسَانِهِ وَيَدِهِ، وَالمُهَاجِرُ مَنْ هَجَرَ مَا نَهَى اللَّهُ عَنْهُ».

[ت3/م3] ـ باب في سُكْنَى الشام

2482 ـ حدّثنا عُبَيْدُ اللَّهِ بنُ عُمَرَ: حدَّثنا مُعاذُ بنُ هِشَامٍ، قال: حدَّثني أَبي، عن قَتَادَةَ، عن شَهْرِ بنِ حَوْشَبٍ، عنْ عَبْدِ اللَّهِ بنِ عَمْرٍو قالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: **«سَتَكُونُ هِجْرَةٌ بَعْدَ هِجْرَةٍ فَخِيَارُ أَهْلِ الأَرْضِ أَلْزَمُهُمْ مُهَاجَرَ إِبْرَاهِيمَ، وَيَبْقَى في الأَرْضِ شِرَارُ أَهْلِهَا تَلْفِظُهُمْ أَرَضُوهُمْ تَقْذَرُهُمْ نَفْسُ اللَّهِ وَتَحْشُرُهُمُ النَّارُ مَعَ القِرَدَةِ وَالْخَنَازِيرِ»**.

2483 ـ حدّثنا حَيْوَةُ بنُ شُرَيْحٍ الْحَضْرَمِيُّ: حدَّثنا بَقِيَّةُ، قال: حدَّثَني بَحِيرٌ، عن خَالِدٍ ـ يَعْني ابنَ مَعْدَانَ ـ، عن ابنِ أَبي قُتَيْلَةَ، عن ابنِ حَوَالَةَ قالَ: قال رَسُولُ اللَّهِ ﷺ: **«سَيَصِيرُ الأَمْرُ إِلَى أَنْ تَكُونُوا جُنُودًا مُجَنَّدَةً: جُنْدٌ بالشَّامِ، وَجُنْدٌ بالْيَمَنِ، وَجُنْدٌ بالْعِرَاقِ»**. قال ابنُ حَوَالَةَ: خِرْ لي يَا رَسُولَ اللَّهِ إِنْ أَدْرَكْتُ ذٰلِكَ فقالَ: **«عَلَيْكَ بالشَّامِ، فإِنَّهَا خِيرَةُ اللَّهِ مِنْ أَرْضِهِ يَجْتَبِي إِلَيْهَا خيرَتَهُ مِنْ عِبَادِهِ، فَأَمَّا إِنْ أَبَيْتُمْ فَعَلَيْكُمْ بيَمَنِكُمْ وَاسْقُوا مِنْ غُدُرِكُم، فإِنَّ اللَّهَ تَوَكَّلَ لِي بالشَّامِ وَأَهْلِهِ»**.

[ت4/م4] ـ باب في دوام الجهاد

2484 ـ حدّثنا مُوسَى بنُ إِسْمَاعِيلَ: حدَّثنا حَمَّادٌ، عن قَتَادَةَ، عن مُطَرِّفٍ، عن عِمْرَانَ بنِ حُصَيْنٍ قالَ: قالَ رَسُولُ اللَّهِ ﷺ: **«لا تَزَالُ طَائِفَةٌ مِنْ أُمَّتِي يُقَاتِلُونَ عَلَى الْحَقِّ ظَاهِرِينَ عَلَى مَنْ نَاوَأَهُمْ حَتَّى يُقَاتِلَ آخِرُهُمُ المَسِيحَ الدَّجَّالَ»**.

[ت5/م5] ـ باب في ثواب الجهاد

2485 ـ حدّثنا أَبُو الوَلِيدِ الطَّيَالِسِيُّ: حدَّثنا سُلَيْمَانُ بنُ كَثِيرٍ: حدَّثنا الزُّهْرِيُّ، عن عَطَاءِ بنِ يَزِيدَ عن أَبي سَعِيدٍ، عن النَّبيِّ ﷺ: أَنَّهُ سُئِلَ: أَيُّ المُؤْمِنِينَ أَكْمَلُ إِيمانًا؟ قال: **«رَجُلٌ يُجَاهِدُ في سَبِيلِ اللَّهِ بِنَفْسِهِ وَمَالِهِ، وَرَجُلٌ يَعْبُدُ اللَّهَ في شِعْبٍ مِنَ الشِّعَابِ قَدْ كَفَى النَّاسَ شَرَّهُ»**.

[6] It Is Forbidden To Set Out On Journeys Backwards And Forwards

2486- It is narrated on the authority of Abu Umamah that a man said to the Messenger of Allah "Allah's blessing and peace be upon him": "O Messenger of Allah! Give me permission to set out on journeys." On that the Messenger of Allah "Allah's blessing and peace be upon him" said: "The journeys of my nation are to be devoted to Jihad in the Cause of Allah Almighty."

[7] The Excellence Of Returning From The Holy Battles

2487- It is narrated on the authority of Abdullah Ibn Amr that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "The (reward a fighter receives for his) return (from a holy battle after taking part in the fight) is like (the reward he receives for his) setting out to take part in the holy battle."

[8] The Superiority Of Fighting The (Infidels Among The) Romans To The Other Nations

2488- It is narrated on the authority of Thabit Ibn Qais Ibn Shammas that he said: A cover-faced woman came to enquire about her son and he was martyred, thereupon one of the companions of the Messenger of Allah "Allah's blessing and peace be upon him" said to her: "Do you come to ask about your son even though you are cover-faced?" she said: "If I'm to be put to distress pertaining to (the death of) my son, it is not befitting for me to be put to distress pertaining to my shyness." The Messenger of Allah "Allah's blessing and peace be upon him" said to her: "Your son will receive a reward of two martyrs." She asked: "What is the reason for that O Messenger of Allah?" he said: "Because he was killed by (the infidels among) those of Scripture."

[9] Setting On Board To Take Part In A Holy Battle

2489- It is narrated on the authority of Abdullah Ibn Amr that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "Let none set on board barring one who intends to perform Hajj or Umrah, or take part in a holy battle in Allah's Cause, for indeed, there is fire underneath the (water of the) sea, and there is sea underneath this fire."

Abu Dawud says that this narration is very weak.

[ت6/م6] ـ باب في النَّهي عن السياحة

2486 ـ حدّثنا مُحَمَّدُ بنُ عُثْمَانَ التَّنُوخِيُّ أَبُو الْجَمَاهِرِ: حدَّثنا الْهَيْثَمُ بنُ حُمَيْدٍ: أَخْبَرَنِي الْعَلَاءُ بنُ الْحَارِثِ، عن الْقَاسِمِ بنِ عَبْدِ الرَّحْمٰنِ، عن أَبي أُمَامَةَ: أَنَّ رَجُلاً قال: يَا رَسُولَ اللَّهِ ائْذَنْ لِي بالسِّيَاحَةِ قال النَّبيُّ ﷺ: «**إنَّ سِيَاحَةَ أُمَّتِي الْجِهادُ في سَبِيلِ اللَّهِ عَزَّ وَجَلَّ**».

[ت7/م7] ـ باب في فَضْل القَفْلِ في الغزو

2487 ـ حدّثنا مُحَمَّدُ بنُ الْمُصَفَّى: حدَّثنا عَلِيُّ بنُ عَيَّاشٍ، عن اللَّيْثِ بنِ سَعْدٍ: حدَّثنا حَيْوَةُ، عن ابنِ شُفَيٍّ، عن شُفَيِّ بنِ مَاتِعٍ، عن عَبْدِ اللَّهِ هُوَ ابنُ عَمْرٍو، عن النَّبيِّ ﷺ قال: «**قَفْلَةٌ كَغَزْوَةٍ**».

[ت8/م8] ـ باب فضل قتال الروم على غيرهم من الأمَم

2488 ـ حدّثنا عَبْدُ الرَّحْمٰنِ بنُ سَلاَّمٍ: حدَّثنا حَجَّاجُ بنُ مُحَمَّدٍ، عن فَرَجِ بنِ فَضَالَةَ، عن عَبْدِ الْخَبِيرِ بنِ ثَابِتِ بنِ قَيْسِ بنِ شِمَاسٍ، عن أَبِيهِ، عن جَدِّهِ قال: جَاءَتِ امْرَأَةٌ إلى النَّبيِّ ﷺ يُقَالُ لَهَا أُمُّ خَلاَّدٍ وَهِيَ مُنْتَقِبَةٌ تَسْأَلُ عن ابْنِهَا وَهُوَ مَقْتُولٌ، فقالَ لَهَا بَعْضُ أَصْحَابِ النَّبيِّ ﷺ: جِئْتِ تَسْأَلِينَ عن ابْنِكِ وَأَنْتِ منتقبةٌ؟ فقالَتْ: إنْ أُرْزَأَ ابْنِي فَلَنْ أُرْزَأَ حَيَائِي، فقالَ رَسُولُ اللَّهِ ﷺ: «**ابْنُكِ لَهُ أَجْرُ شَهِيدَيْنِ**» قالَتْ: وَلِمَ ذَاكَ يَا رَسُولَ اللَّهِ؟ قال: «**لأَنَّهُ قَتَلَهُ أَهْلُ الكِتَابِ**».

[ت9/م9] ـ باب في ركوب البحر في الغزو

2489 ـ حدَّثنا سَعِيدُ بنُ مَنْصُورٍ: حدَّثنا إسْمَاعِيلُ بنُ زَكَرِيَّا، عن مُطَرِّفٍ، عن بِشْرٍ أَبي عَبْدِ اللَّهِ، عن بَشِيرِ بنِ مُسْلِمٍ، عن عَبْدِ اللَّهِ بنِ عَمْرٍو قالَ: قالَ رَسُولُ اللَّهِ ﷺ: «**لاَ يَرْكَبُ الْبَحْرَ إلاَّ حَاجٌّ، أَوْ مُعْتَمِرٌ، أَوْ غَازٍ في سَبِيلِ اللَّهِ، فإنَّ تَحْتَ الْبَحْرِ نَارًا وَتَحْتَ النَّارِ بَحْرًا**».

قال أَبُو دَاوُدَ: هذا حديثٌ ضعيفٌ جدًا، أَبو عبد اللَّهِ وبشير مجهولان.

[10] The Excellence Of Taking Part In A Naval Expedition (In Allah's Cause)

2490- It is narrated on the authority of Anas Ibn Malik from his maternal aunt Umm Haram Bint Milhan, the sister of Umm Sulaim, that she said: One day The Messenger of Allah "Allah's blessing and peace be upon him" had his siesta (at a place) near me. He woke up smiling. I said: "O Messenger of Allah! What makes you laugh?" He said: "Some people from my followers were presented to me. They were sailing on the surface of the sea (looking) like kings (sitting) on their thrones." I said: "Invoke Allah for me to be among them." He invoked (Allah for her to be among them). He had another nap, after which he woke up and smiled, and she said to him: "O Messenger of Allah! What makes you laugh?" He said: "Some people from my followers were presented to me. They were sailing on the surface of the sea (looking) like kings (sitting) on their thrones." I said: "Invoke Allah for me to be among them." He said: "You are among the first patch." She got married to Ubadah Ibn As-Samit, and she set out in the company of her husband in the first naval expedition (made by the Muslims under the leadership of Mu'awiyah Ibn Abu Sufyan). On their return, a mule was brought for her to ride, thereupon it caused her to fall down and her head was chopped off, with the result that she died.

2491- It is narrated on the authority of Anas Ibn Malik that he said: Whenever the Messenger of Allah "Allah's blessing and peace be upon him" went to Quba', he would go to visit Umm Haram Bint Milhan, the wife of Ubadah Ibn As-Samit. One day, he visited her and she served food for him, and sat to look for lice in his head...and the rest is the same.

Abu Dawud says: Bint Milhan died in Cyprus.

2492- It is narrated on the authority of Ar-Rumaisa', the sister of Umm Sulaim that once, the Messenger of Allah "Allah's blessing and peace be upon him" took a nap (near her) and she was washing her head when he got up smiling. She said: "O Messenger of Allah! Do you laugh at my head?"...and the rest is the same with additions in some places and reductions in others.

Abu Dawud says: Ar-Rumaisa' was a foster sister of Umm Sulaim.

2493- It is narrated on the authority of Umm Haram that she said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "Such as is affected by seasickness (which causes him to vomit)

[ت10/م...] ـ باب فضل الغزو في البحر

2490 ـ حدّثنا سُلَيْمَانُ بنُ دَاوُدَ الْعَتَكِيُّ: حدَّثنا حَمَّادٌ ـ يَعْني ابنَ زَيْدٍ ـ، عن يَحْيَى بنِ سَعِيدٍ، عن مُحَمَّدِ بنِ يَحْيَى بنِ حَبَّانَ، عن أَنَسِ بنِ مَالِكٍ رضي اللَّهِ عنه قال: حدَّثَتْنِي أُمُّ حَرَامٍ بِنْتِ مِلْحَانَ أُخْتُ أُمِّ سُلَيْمٍ: «أَنَّ رَسُولَ اللَّهِ ﷺ قال عِنْدَهُمْ، فَاسْتَيْقَظَ وَهُوَ يَضْحَكُ. قالَتْ: فَقُلْتُ: يَا رَسُولَ اللَّهِ مَا أَضْحَكَكَ؟ قال: «**رَأَيْتُ قَوْمًا مِمَّنْ يَرْكَبُ ظَهْرَ هَذَا الْبَحْرِ كَالْمُلُوكِ عَلى الأَسِرَّةِ**». قالَتْ: قُلْتُ: يَا رَسُولَ اللَّهِ ادْعُ اللَّهِ أَنْ يَجْعَلَنِي مِنْهُمْ قال: «**فَإِنَّكِ مِنْهُمْ**». قالت: ثُمَّ نَامَ فَاسْتَيْقَظَ وَهُوَ يَضْحَكُ قالَتْ: فَقُلْتُ: يَا رَسُولَ اللَّهِ ما أَضْحَكَكَ؟ فقالَ مِثْلَ مَقَالَتِهِ. قالَتْ: قُلْتُ: يَا رَسُولَ اللَّهِ ادْعُ اللَّهِ أَنْ يَجْعَلَنِي مِنْهُمْ. قالَ: «**أَنْتِ مِنَ الأَوَّلِينَ**». قالَ: فَتَزَوَّجَهَا عُبَادَةُ بنُ الصَّامِتِ فَغَزَا في الْبَحْرِ فَحَمَلَهَا مَعَهُ، فَلَمَّا رَجَعَ قُرِّبَتْ لَهَا بَغْلَةٌ لِتَرْكَبَهَا فَصَرَعَتْهَا فَانْدَقَّتْ عُنُقُهَا فَمَاتَتْ».

2491 ـ حدّثنا الْقَعْنَبِيُّ، عن مَالِكٍ، عن إِسْحَاقَ بنِ عَبْدِ اللَّهِ بنِ أَبي طَلْحَةَ، عن أَنَسِ بنِ مَالِكٍ أَنَّهُ سَمِعَهُ يَقُولُ: «كَانَ رَسُولُ اللَّهِ ﷺ إِذَا ذَهَبَ إِلَى قُبَاءٍ يَدْخُلُ عَلَى أُمِّ حَرَامٍ بِنْتِ مِلْحَانَ، وَكَانَتْ تَحْتَ عُبَادَةَ بنِ الصَّامِتِ، فَدَخَلَ عَلَيْهَا يَوْمًا، فَأَطْعَمَتْهُ وَجَلَسَتْ تَفْلِي رَأْسَهُ»، وساقَ هَذَا الحَدِيثَ.

قال أَبُو دَاوُدَ: وَمَاتَتْ بِنْتُ مِلْحَانَ بِقُبْرُصَ.

2492 ـ حدّثنا يَحْيَى بنُ مَعِينٍ: حدَّثنا هِشَامُ بنُ يُوسُفَ، عن مَعْمَرٍ، عن زَيْدِ بنِ أَسْلَمَ، عن عَطَاءِ بنِ يَسَارٍ، عن أُخْتِ أُمِّ سُلَيْمٍ الرُّمَيْصَاءِ، قالَتْ: نَامَ النَّبيُّ ﷺ فاسْتَيْقَظ وكَانَتْ تَغْسِلُ رَأْسَهَا، فَاسْتَيْقَظَ وَهُوَ يَضْحَكُ، فَقَالَتْ: يَا رَسُولَ اللَّهِ أَتَضْحَكُ مِنْ رَأْسِي؟ قال: «**لا**»، وَسَاقَ هَذَا الْخَبَرَ يَزِيدُ وَيَنْقُصُ.

قال أَبُو دَاوُدَ: الرُّمَيْصَاءُ أُخْتِ أُمِّ سُلَيْمٍ مِنَ الرَّضَاعَةِ.

2493 ـ حدّثنا مُحَمَّدُ بنُ بَكَّارٍ الْعَيْشِيُّ: حدَّثنا مَرْوَانُ. (ح) وحدَّثنا عَبْدُ الْوَهَّابِ بنُ عَبْدِ الرَّحِيمِ الْجَوْبَرِيُّ الدِّمَشْقِيُّ، المَعْنَى، قال: حدَّثنا مَرْوَانُ: حدَّثنا هِلاَلُ بنُ مَيْمُونٍ الرَّمْلِيُّ، عن يَعْلَى بنِ شَدَّادٍ، عن أُمِّ حَرَامٍ، عن النَّبيِّ ﷺ

receives the reward of a land martyr; and such as dies because of drowning receives the reward of two land martyrs."

2494- It is narrated on the authority of Abu Umamah Al-Bahili that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "Three (types of persons) have a guarantee from Allah Almighty: one sets out for a holy battle in the Cause of Allah: he has guarantee from Allah either to cause him to die and admit him to the Garden, or return him to his home with reward and booty; one sets out to the mosque: he has guarantee from Allah either to cause him to die and admit him to the Garden or to return him to his home, with whatever reward he gains; and one enters his home peacefully: he has guarantee from Allah Almighty (either to cause him to die and admit him to the Garden or cause him to set out once again)."

[11] The Excellence Of Killing An Infidel

2495- It is narrated on the authority of Abu Hurairah that the Messenger of Allah "Allah's blessing and peace be upon him" said: "An infidel and his killer never gather in the fire (of Hell)."

[12] The Inviolability Of The Wives Of The Fighters (In Allah's Cause) To The Sitting Men

2496- It is narrated on the authority of Ibn Buraidah from his father that the Messenger of Allah "Allah's blessing and peace be upon him" said: "The wives of those who set out to fight in Allah's Cause should have the same sanctity in the sight of such of men as remain behind (and look after their dependents) as their mothers have; and there is no one from among such of men as remain behind (to take care of the dependents of the fighters on their behalf) who proves treacherous towards the family of anyone of the fighters (in Allah's Cause) but that on the Day of Judgement, he (the treacherous) will be made to stand in front of him, and it will be said to him (the fighter in Allah's Cause): "This is so and so, who proved treacherous towards your family: take from his good deeds as much as you like."" The Messenger of Allah "Allah's blessing and peace be upon him" turned towards us and said: "What do you think then?"

[13] When A Military Expedition Fails

2497- It is narrated on the authority of Abdullah Ibn Amr that the Messenger of Allah "Allah's blessing and peace be upon him" said: "There is no military expedition fighting in Allah's Cause, whose members hasten to gain booty but that they will have hastened to get

أَنَّهُ قالَ: «**الْمَائِدُ في الْبَحْرِ الَّذِي يُصِيبُهُ الْقَيْءُ، لَهُ أَجْرُ شَهِيدٍ، وَالْغَرِقُ لَهُ أَجْرُ شَهِيدَيْنِ**».

2494 ـ حدّثنا عَبْدُ السَّلاَمِ بنُ عَتِيقٍ الدمشقيُّ: حدَّثنا أَبُو مِسْهَرٍ: حدَّثنا إِسْمَاعِيلُ بنُ عَبْدِ اللَّهِ ـ يَعني ابنَ سَمَاعَةَ ـ، أخبرنا الأَوْزَاعِيُّ، قال: حدَّثني سُلَيْمَانُ بنُ حَبِيبٍ، عن أَبي أُمَامَةَ الْبَاهِلِيِّ، عن رَسُولِ اللَّهِ ﷺ قال: «**ثَلاَثَةٌ كُلُّهُمْ ضَامِنٌ عَلَى اللَّهِ عَزَّ وَجَلَّ: رَجُلٌ خَرَجَ غَازِيًا في سَبِيلِ اللَّهِ عَزَّ وَجلَّ فَهُوَ ضَامِنٌ عَلَى اللَّهِ حَتَّى يَتَوَفَّاهُ فَيُدْخِلَهُ الْجَنَّةَ، أَوْ يَرُدَّهُ بما نَالَ مِنْ أَجْرٍ وَغَنِيمَةٍ، وَرَجُلٌ رَاحَ إلى المَسْجِدِ فَهُوَ ضَامِنٌ عَلَى اللَّهِ حَتَّى يَتَوَفَّاهُ فَيُدْخِلَهُ الْجَنَّةَ، أَوْ يَرُدَّهُ بما نَالَ مِنْ أَجْرٍ وَغَنِيمَةٍ، وَرَجُلٌ دَخَلَ بَيْتَهُ بِسَلاَمٍ فَهُوَ ضَامِنٌ عَلَى اللَّهِ عَزَّ وَجَلَّ**».

[ت11/م10] ـ باب في فَضْل من قتل كافرًا

2495 ـ حدّثنا مُحَمَّدُ بنُ الصَّبَّاحِ الْبَزَّازُ: حدَّثنا إِسْمَاعِيلُ ـ يَعْني ابنَ جَعْفَرٍ ـ، عن الْعَلاَءِ، عن أَبِيهِ، عن أَبي هُرَيْرَةَ أَنَّ رَسُولَ اللَّهِ ﷺ قال: «**لاَ يَجْتَمِعُ في النَّارِ كَافِرٌ وَقَاتِلُهُ أَبَدًا**».

[ت12/م11] ـ باب في حُرْمة نساء المجاهدين على القاعدين

2496 ـ حدّثنا سَعِيدُ بنُ مَنْصُورٍ: حدَّثنا سُفْيَانُ، عن قَعْنَبٍ، عن عَلْقَمَةَ بنِ مَرْثَدٍ، عن ابنِ بُرَيْدَةَ، عن أَبِيهِ قالَ: قالَ رَسُولُ اللَّهِ ﷺ: «**حُرْمَةُ نِسَاءِ الْمُجَاهِدِينَ عَلَى الْقَاعِدِينَ كَحُرْمَةِ أُمَّهَاتِهِمْ، وَمَا مِنْ رَجُلٍ مِنَ الْقَاعِدِينَ يَخْلُفُ رَجُلاً مِنَ المُجَاهِدِينَ في أَهْلِهِ إِلاَّ نُصِبَ لَهُ يَوْمَ الْقِيَامَةِ، فَقِيلَ لَهُ: هَذَا قَدْ خَلَفَكَ في أَهْلِكَ فَخُذْ مِنْ حَسَنَاتِهِ ما شِئْتَ**»، فَالْتَفَتَ إِلَيْنَا رَسُولُ اللَّهِ ﷺ فقال: «**ما ظَنُّكُم**».

قال أَبُو دَاوُدَ: كَانَ قَعْنَبٌ رَجُلاً صَالِحًا، وَكَانَ ابنُ أَبي لَيْلَى أَرَادَ قَعْنَبًا عَلَى الْقَضَاءِ، قال: فأَبَى عَلَيْه. وَقالَ قَعْنَبٌ: أَنَا أُرِيدُ الْحَاجَةَ بِدِرْهَم فأَسْتَعِينُ عَلَيْهَا بِرَجُلٍ، قال: وَأَيُّنَا لا يَسْتَعِينُ في حَاجَتِهِ. قال: أَخْرِجُونِي حَتَّى أَنْظُرَ فأُخْرِجَ فَتَوَارَى. قال سُفْيَانُ: بَيْنَمَا هُوَ مُتَوَارٍ إِذْ وَقَعَ عَلَيْهِ الْبَيْتُ فَمَاتَ.

[ت13/م12] ـ باب في السَّرِية تُخْفِق

2497 ـ حدّثنا عُبَيْدُ اللَّهِ بنُ عُمَرَ بنِ مَيْسَرَةَ: حدَّثنا عَبْدُ اللَّهِ بنُ يَزِيدَ: حدَّثنا حَيْوَةُ وَابنُ لَهِيعَةَ قالاَ: حدَّثنا أَبُو هَانِىءٍ الْخَوْلاَنيُّ أَنَّهُ سَمِعَ أَبَا عَبْدِ الرَّحْمٰنِ الْحُبُلِيَّ يقُولُ: سَمِعْتُ عَبْدَ اللَّهِ بنَ عَمْرٍو يَقُولُ: قال رَسُولُ اللَّهِ ﷺ: «**ما مِنْ غَازِيَةٍ تَغْزُو في سَبِيلِ اللَّهِ**

two-thirds their reward of the hereafter, and only one-third the reward remains for them; and if they do not (hasten to) get booty, they will receive their reward in full."

[14] The Multiple Reward Of The Celebration Of The Praises Of Allah Almighty

2498- It is narrated on the authority of Sahl Ibn Mu'adh from his father that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "No doubt, offering prayer, observing fast and celebrating (the Praises of Allah) is seven hundredfold the spending in Allah's Cause."

[15] What About Such As Dies While Fighting In Allah's Cause?

2499- It is narrated on the authority of Abu Malik Al-Ash'ari that the Messenger of Allah "Allah's blessing and peace be upon him" said: "He, who sets out in Allah's Cause and dies or is killed (on journey) is a martyr, whether his horse or camel causes him to fall down (and his neck got broken), or he is stung by a (poisonous) insect which causes him to die, or even he dies on bed, in whichever state: he is a martyr, and the Garden is assured to him."

[16] The Excellence Of Standing To Keep Vigilance (On The Borders In Allah's Cause)

2500- It is narrated on the authority of Fadalah Ibn Ubaid that the Messenger of Allah "Allah's blessing and peace be upon him" said: "The (reward of the) deed of everyone who dies will cease, except that of him who dies as keeping vigilance and safeguarding (the borders of Muslims) in the Cause of Allah, who will have (the reward of) his deed increase until the Day of Judgement, and will be safe from the affliction of the grave torture."

[17] The Excellence Of Safeguarding In The Cause Of Allah

2501- It is narrated on the authority of Sahl Ibn Al-Hanzaliyyah that they set out with the Messenger of Allah "Allah's blessing and peace be upon him" in the holy battle of Hunain, and they proceeded on very fast until when it was evening, and the time of prayer was due with the Messenger of Allah "Allah's blessing and peace be upon him". A horseman came and said: "O Messenger of Allah! I proceeded on ahead of you until I came up the mountain of such and such, and behold! All (the tribe of) Hawazin with their women, camels, and cattle and sheep gathered at (the valley of) Hunain." On that the Messenger of Allah

فَيُصِيبُونَ غَنِيمَةً إلاَّ تَعَجَّلُوا ثُلُثَيْ أَجْرِهِمْ مِنَ الآخِرَةِ، وَيَبْقَى لَهُمُ الثُّلُثُ، فإنْ لَمْ يُصِيبُوا غَنِيمَةً تَمَّ لَهُمْ أَجْرُهُمْ».

[ت14/م13] ـ باب في تَضْعِيف الذِّكْر في سبيل اللَّهِ تعالى

2498 ـ حدّثنا أَحْمَدُ بنُ عَمْرِو بنِ السَّرْحِ: حدَّثنا ابنُ وَهْبٍ، عن يَحْيَى بنِ أَيُّوبَ، وَسَعِيدِ بنِ أَبي أَيُّوبَ، عن زَبَّانَ بنِ فَائِدٍ، عن سَهْلِ بنِ مُعَاذٍ، عن أَبِيهِ قال: قال رَسُولُ اللَّهِ ﷺ: **«إنَّ الصَّلاَةَ وَالصِّيَامَ وَالذِّكْرَ يُضَاعَفُ عَلَى النَّفَقَةِ في سَبِيلِ اللَّهِ عَزَّ وَجَلَّ بِسَبْعِمائَةِ ضِعْفٍ»**.

[ت15/م14] ـ باب فيمن مات غازيًا

2499 ـ حدّثنا عَبْدُ الْوَهَّابِ بنُ نَجْدَةَ: حدَّثنا بَقِيَّةُ بنُ الْوَلِيدِ، عن ابنِ ثَوْبَانَ، عن أَبِيهِ، يَرُدُّ إلى مَكْحُولٍ إلى عَبْدِ الرَّحْمٰنِ بنِ غَنْمٍ الأَشْعَرِيِّ أَنَّ أَبَا مَالِكٍ الأَشْعَرِيَّ قال: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يقُولُ: **«مَنْ فَصَلَ في سَبِيلِ اللَّهِ عَزَّ وَجَلَّ فَمَاتَ أَوْ قُتِلَ فَهُوَ شَهِيدٌ، أَوْ وَقَصَهُ فَرَسُهُ أَوْ بَعِيرُهُ، أَوْ لَدَغَتْهُ هَامَّةٌ، أَوْ مَاتَ عَلَى فِرَاشِهِ، أَوْ بِأَيِّ حَتْفٍ شَاءَ اللَّهُ، فإنَّهُ شَهِيدٌ وَإنَّ لَهُ الْجَنَّةَ»**.

[ت16/م15] ـ باب في فَضْل الرِّباط

2500 ـ حدّثنا سَعِيدُ بنُ مَنْصُورٍ: حدَّثنا عَبْدُ اللَّهِ بنُ وَهْبٍ: حدَّثنا أَبُو هَانِىءٍ، عن عَمْرِو بنِ مَالِكٍ، عن فَضَالَةَ بنِ عُبَيْدٍ أَنَّ رَسُولَ اللَّهِ ﷺ قال: **«كُلُّ المَيِّتِ يُخْتَمُ عَلَى عَمَلِهِ إلاَّ المُرَابِطَ فإنَّهُ ينْمُو لَهُ عَمَلُهُ إلى يَوْمِ الْقِيَامَةِ وَيُؤْمَنُ مِنْ فَتَّانِ الْقَبْرِ»**.

[ت17/م16] ـ باب في فَضْل الحرس في سبيل اللَّهِ عز وجل

2501 ـ حدّثنا أَبُو تَوْبَةَ: حدَّثنا مُعَاوِيَةُ ـ يَعني ابنَ سَلاَّمٍ ـ، عن زَيْدٍ ـ يَعني ابنَ سَلاَّمٍ ـ أَنَّهُ سَمِعَ أَبَا سَلاَّمٍ قال: حدَّثني السَّلُولِيُّ أَبُو كَبْشَةَ: أَنَّهُ حَدَّثَهُ سَهْلُ بنُ الْحَنْظَلِيَّةِ: أَنَّهُمْ سَارُوا مَعَ رَسُولِ اللَّهِ ﷺ يَوْمَ حُنَيْنٍ فَأَطْنَبُوا السَّيْرَ حتَّى كَانَتْ عَشِيَّةً فَحَضَرْتُ صَلاَةً عِنْدَ رَسُولِ اللَّهِ ﷺ، فَجَاءَ رَجُلٌ فَارِسٌ فقال: يا رَسُولَ اللَّهِ إنِّي انْطَلَقْتُ بَيْنَ أَيْدِيكُم حَتَّى طَلَعْتُ جَبَلَ كَذَا وَكَذَا فإذَا أَنا بِهَوَازِنَ عَلَى بَكْرَةِ آبَائِهِمْ بِظُعُنِهِمْ وَنَعَمِهِمْ وَشَائِهِمْ، اجْتَمَعُوا إلى حُنَيْنٍ، فَتَبَسَّمَ رَسُولُ اللَّهِ ﷺ وَقال:

"Allah's blessing and peace be upon him" smiled and said: "This will be the booty of the Muslims tomorrow, Allah willing." Then he asked: "Who would undertake the operation of safeguarding us tonight?" Anas Ibn Marthad Al-Ghanawi said: "I would do O Messenger of Allah." He ordered him to ride (his horse), and he rode his horse and came to the Messenger of Allah "Allah's blessing and peace be upon him", thereupon the Messenger of Allah "Allah's blessing and peace be upon him" said to him: "Face this mountain pass until you come up the highest portion of it, and protect us from being attacked suddenly from your direction tonight." When it was the coming morning, the Messenger of Allah "Allah's blessing and peace be upon him" came out to his praying place and offered a two-rak'ah prayer and said to us: "Has you felt your horseman?" we said: "O Messenger of Allah! We have not felt him." He carried on prayer, and while the Messenger of Allah "Allah's blessing and peace be upon him" was praying, he turned to the mountain pass, and when he finished his prayer with the end salutation he said to us: "Have the glad tidings! Your horseman has come." We started looking at the mountain pass through the trees and behold! He was coming towards us until he stood near the Messenger of Allah "Allah's blessing and peace be upon him". He paid salutation and said: "I proceeded on until I came up to the highest portion of this mountain pass, whereas the Messenger of Allah "Allah's blessing and peace be upon him" ordered me to be; and when it was morning, I cast a glimpse of both defiles, and saw no one." The Messenger of Allah "Allah's blessing and peace be upon him" said to him: "Have you descended (from your place) tonight?" he said: "No, except for offering prayer or answering the call of nature." On that the Messenger of Allah "Allah's blessing and peace be upon him" said: "(The reward of Jihad) has been affirmed to you; and there is no harm on you if you do not do anything after that."

[18] It Is Undesirable To Refrain From Taking Part In The Holy Battles

2502- It is narrated on the authority of Abu Hurairah that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "He, who dies without taking part in a holy battle, nor even having the intention to do so, will have died while being in a state of hypocrisy."

2503- It is narrated on the authority of Abu Umamah that the Messenger of Allah "Allah's blessing and peace be upon him" said: "He, who does not take part in a holy battle, nor does he contribute in

«تِلْكَ غَنِيمَةُ المُسْلِمينَ غَدًا إنْ شَاءَ اللَّهُ»، ثُمَّ قال: **«مَنْ يَحْرُسُنا اللَّيْلَةَ»**؟ قال أَنَسُ بنُ أبي مَرْثَدٍ الْغَنَوِيُّ: أَنَا يا رَسُولَ اللَّهِ، قال: **«فارْكَبْ»**، فَرَكِبَ فَرَسًا لَهُ وَجاءَ إلى رَسُولِ اللَّهِ ﷺ فَقالَ لَهُ رَسُولُ اللَّهِ ﷺ: **«اسْتَقْبِلْ هَذَا الشِّعْبَ حَتَّى تَكُونَ في أَعْلاهُ، وَلاَ نُغَرَّنَّ مِنْ قِبَلِكَ اللَّيْلَةَ»**، فَلَمَّا أَصْبَحْنَا خَرَجَ رَسُولُ اللَّهِ ﷺ إلى مُصَلاَّهُ فَرَكَعَ رَكْعَتَيْنِ، ثُمَّ قال: **«هَلْ أَحْسَسْتُمْ فَارِسَكُم»**؟ قالُوا: يا رَسُولَ اللَّهِ ما أَحْسَسْنَاهُ، فَثُوِّبَ بالصَّلاَةِ، فَجَعَلَ رَسُولُ اللَّهِ ﷺ يُصَلِّي وَهُوَ يَلْتَفِتُ إلى الشِّعْبِ حتَّى إذَا قَضَى صَلاَتَهُ وَسَلَّمَ قالَ: **«أَبْشِرُوا فَقَدْ جاءَكُم فَارِسُكُم»**، فَجَعَلْنَا نَنْظُرُ إلى خِلاَلِ الشَّجَرِ في الشِّعْبِ فإذَا هُوَ قَدْ جَاءَ حَتَّى وَقَفَ عَلَى رَسُولِ اللَّهِ ﷺ فَسَلَّمَ فقالَ: إنِّي انْطَلَقْتُ حتَّى كُنْتُ في أَعْلَى هَذَا الشِّعْبِ حَيْثُ أَمَرَنِي رَسُولُ اللَّهِ ﷺ: فَلَمَّا أَصْبَحْتُ اطَّلَعْتُ على الشِّعْبينِ كِلَيْهِمَا، فَنَظَرْتُ فَلَمْ أَرَ أَحَدًا، فَقالَ لَهُ رَسُولُ اللَّهِ ﷺ **«هَلْ نَزَلْتَ اللَّيْلَةَ؟»** قال: لاَ، إلاَّ مُصَلِّيًا أَوْ قَاضِيًا حَاجَةً فقالَ لَهُ رَسُولُ اللَّهِ ﷺ: **«قَدْ أَوْجَبْتَ فَلاَ عَلَيْكَ أَنْ لا تَعْمَلَ بَعْدَهَا»**.

[ت18/م17] ـ باب كَرَاهية ترك الغزو

2502 ـ حدَّثنا عَبْدَةُ بنُ سُلَيْمَانَ المَروزِيُّ: حدَّثنا ابنُ المُبارَكِ: حدَّثنا وُهَيْبٌ ـ قال عَبْدَةُ: يعني ابنَ الْوَرْدِ ـ أخبرني عُمَرُ بنُ مُحَمَّدِ بنِ المُنْكَدِرِ عن سُمَيٍّ، عن أَبي صَالِحٍ، عن أَبي هُرَيْرَةَ، عن النَّبيِّ ﷺ قال: **«مَنْ مَاتَ وَلَمْ يَغْزُ وَلَمْ يُحَدِّثْ نَفْسَهُ بالْغَزْوِ مَاتَ عَلَى شُعْبَةٍ مِنْ نَفَاقٍ»**.

2503 ـ حدَّثنا عَمْرُو بنُ عُثْمَانَ، وَقَرَأْتُهُ عَلَى يَزِيدَ بنِ عَبْدِ رَبِّهِ الْجُرْجُسِيِّ قالاَ: حدَّثنا الْوَلِيدُ بنُ مُسْلِمٍ، عن يَحْيَى بنِ الْحَارِثِ، عن الْقَاسِمِ أَبي عَبْدِ الرَّحْمٰنِ، عن أَبي أُمَامَةَ، عن النَّبيِّ ﷺ قال: **«مَنْ لَمْ يَغْزُ أَوْلم**

preparing a fighter in Allah's Cause, nor does he behave well towards such a fighter's family in his absence, will be given to calamity by Allah Almighty before the Day of Judgement."

2504- It is narrated on the authority of Anas that the Messenger of Allah "Allah's blessing and peace be upon him" said: "Strive the pagans with the utmost of your property, souls and tongues."

[19] The Abrogation Of The Setting Out Of The Public For Jihad

2505- It is narrated on the authority of Ibn Abbas that Allah's saying: "Unless you go forth, He will punish you with a grievous penalty, and put others in your place; but Him you would not harm in the least. For Allah hath power over all things" (At-Tawbah 39)was abrogated by His saying: "Nor should the Believers all go forth together: if a contingent from every expedition remained behind, they could devote themselves to studies in religion, and admonish the people when they return to them, that thus they (may learn) to guard themselves (against evil)." (122)

2506- It is narrated on the authority of Najdah Ibn Nufai' that he said: I asked Ibn Abbas about the significance of this Holy Verse: "Unless you go forth, He will punish you with a grievous penalty, and put others in your place; but Him you would not harm in the least. For Allah hath power over all things", thereupon he said: "He withheld rainfall from them, and this was their punishment."

[20] The Concession To Remain Behind On Account Of A Legal Excuse

2507- It is narrated on the authority of Zaid Ibn Thabit that he said: I was sitting by the side of the Messenger of Allah "Allah's blessing and peace be upon him" when he was Divinely revealed, and he was covered up with slumber. When he was covered up with slumber, he placed his thigh on mine, and behold, by Allah, I've ever felt nothing heavier than the thigh of the Messenger of Allah "Allah's blessing and peace be upon him" (while being in such a state). When this state was over, he said to me: "Write O Zaid!" I took a shoulder-blade and wrote: "Not equal are those Believers who sit (at home) and those who strive and fight in the Cause of Allah with their property and themselves... greater reward." He (Zaid) recorded that in a shoulder-blade. Then Ibn Umm Maktum, who was a blind, got up when he heard it, and learnt the superiority of those fighters (in the Cause of Allah), and said: "O Messenger of Allah! What about him who could not take part in Jihad because of such (disabling) ailments as blindness and so?" by Allah! He had no sooner finished his statement than the Messenger

يُجَهِّزْ غَازِيًا أَوْ يَخْلُفْ غَازِيًا في أَهْلِهِ بِخَيْرٍ، أَصَابَهُ اللَّهُ بِقَارِعَةٍ». قال يَزِيدُ بنُ عَبْدِ رَبِّهِ في حَدِيثِهِ: «**قَبْلَ يَوْمِ الْقِيَامَةِ**».

2504 ـ حدّثنا مُوسَى بنُ إسْمَاعِيلَ: حدَّثنا حَمَّادٌ، عن حُمَيْدٍ، عن أَنَسٍ أَنَّ النَّبيَّ ﷺ قال: «**جَاهِدُوا المُشْرِكِينَ بِأَمْوَالِكُم وَأَنْفُسِكُمْ وَأَلْسِنَتِكُم**».

[ت19/م18] ـ باب في نَسْخِ نفير العامَّة بالخاصة

2505 ـ حدّثنا أَحْمَدُ بنُ مُحَمَّدٍ المَرْوَزِيُّ، قال: حدَّثني عَلِيُّ بنُ حُسَيْنٍ، عن أَبِيهِ، عن يَزِيدَ النَّحْوِيِّ، عن عِكْرِمَةَ، عن ابنِ عَبَّاسٍ قال: «﴿إِلَّا تَنفِرُوا۟ يُعَذِّبْكُمْ عَذَابًا أَلِيمًا﴾ [التوبة: 39] وَ﴿مَا كَانَ لِأَهْلِ ٱلْمَدِينَةِ﴾ [التوبة: 120] ـ إلَى قَوْلِهِ: ﴿ يَعْمَلُونَ ﴿١٢١﴾﴾ نَسَخَتْهَا الآيَةُ الَّتي تَلِيهَا: ﴿وَمَا كَانَ ٱلْمُؤْمِنُونَ لِيَنفِرُوا۟ كَآفَّةً﴾[التوبة: 122]».

2506 ـ حدّثنا عُثْمَانُ بنُ أَبِي شَيْبَةَ: حدَّثنا زَيْدُ بنُ الْحُبَابِ، عن عَبْدِ الْمُؤْمِنِ بنِ خَالِدٍ الْحَنَفِيِّ: حدَّثني نَجْدَةُ بنُ نُفَيْعٍ قال: «سَأَلْتُ ابنَ عَبَّاسٍ عن هَذِهِ الآيَةِ ﴿إِلَّا تَنفِرُوا۟ يُعَذِّبْكُمْ عَذَابًا أَلِيمًا﴾ قال: فَأُمْسِكَ عَنْهُمُ المَطَرُ وَكَانَ عَذَابَهُمْ».

[ت20/م19] ـ باب في الرُّخْصَة في القعود من العُذْر

2507 ـ حدّثنا سَعِيدُ بنُ مَنْصُورٍ: حدَّثنا عَبْدُ الرَّحْمٰنِ بنُ أَبي الزِّنَادِ، عن أَبِيهِ، عن خَارِجَةَ بنِ زَيْدٍ، عن زَيْدِ بنِ ثَابِتٍ قال: «كُنْتُ إلى جَنْبِ رَسُولِ اللَّهِ ﷺ فَغَشِيَتْهُ السَّكِينَةُ، فَوَقَعَتْ فَخِذُ رَسُولِ اللَّهِ ﷺ عَلَى فَخِذِي فَمَا وَجَدْتُ ثِقَلَ شَيْءٍ أَثْقَلَ مِنْ فَخِذِ رَسُولِ اللَّهِ ﷺ، ثُمَّ سُرِّيَ عَنْهُ فقال: «**اكْتُبْ**»، فَكَتَبْتُ في كَتِفٍ: ﴿لَّا يَسْتَوِى ٱلْقَٰعِدُونَ مِنَ ٱلْمُؤْمِنِينَ غَيْرُ أُو۟لِى ٱلضَّرَرِ وَٱلْمُجَٰهِدُونَ فِى سَبِيلِ ٱللَّهِ﴾ [النساء: 95] إلى آخِرِ الآيَةِ، فَقَامَ ابنُ أُمِّ مَكْتُومٍ ـ وكَانَ رَجُلاً أَعْمَى ـ لَمَّا سَمِعَ فَضِيلَةَ المُجَاهِدِينَ فقالَ: يَا رَسُولَ اللَّهِ فَكَيْفَ بِمَنْ لاَ يَسْتَطِيعُ الْجِهَادَ مِنَ المُؤْمِنِينَ؟ فَلَمَّا قَضَى كَلاَمَهُ غَشِيَتْ رَسُولَ اللَّهِ ﷺ السَّكِينَةُ فَوَقَعتْ فَخِذُهُ عَلَى فَخِذِي

of Allah "Allah's blessing and peace be upon him" was covered up with slumber, with his thigh falling on mine, and I felt in it the same heaviness I had felt in the first time. When this state was over, he said to me: "Recite!" I recited to him: "Not equal are those Believers who sit (at home)..." he interrupted me saying: "but not those having (disabling) hurt", "and those who strive and fight in the Cause of Allah with their property and themselves." Then, I inserted it, and by Him, in Whose Hand is my soul, it seems to me as I am looking at the place in which I inserted it, as if it were a rupture in the shoulder-blade.

2508- It is narrated on the authority of Anas Ibn Malik that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "No doubt, you've left in Medina a people(who had the intention of Jihad) that you did not proceed on, nor did you spend anything, nor did you cover a valley (in Allah's Cause) but that they were with you." They said: "O Messenger of Allah! How should they be with us even though they are in Medina?" he said: "That's because they have been detained by legal excuse."

[21] What Would Suffice One From Holy Fighting

2509- It is narrated on the authority of Zaid Ibn Khalid Al-Juhani that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "He, who prepares a fighter in the Cause of Allah has taken part in such a holy battle; and he, who behaves well towards the family of a fighter in Allah's Cause in his absence has taken part in such a holy battle."

2510- It is narrated on the authority of Abu Sa'id Al-Khudri that the Messenger of Allah "Allah's blessing and peace be upon him" sent to Banu Lihyan and said: "Let a man set out from each two of you." Then, he said to the sitting persons among them: "Anyone of you behaves good towards the family and property of such as sets out will have the like of half his reward."

[22] What About Bravery And Cowardice?

2511- It is narrated on the authority of Abu Hurairah that he said: I heard the Messenger of Allah "Allah's blessing and peace be upon him" having said: "The worst thing one might have is niggardliness with fearfulness, and cowardice with weakness."

وَوَجَدْتُ مِنْ ثِقَلِهَا في المَرَّةِ الثَّانِيَةِ كَمَا وَجَدْتُ في المَرَّةِ الأُولى، ثُمَّ سُرِّيَ عن رَسُولِ اللَّهِ ﷺ فقالَ: «**اقْرَأْ يَا زَيْدُ**»، فَقَرَأْتُ ﴿لَّا يَسْتَوِى ٱلْقَٰعِدُونَ مِنَ ٱلْمُؤْمِنِينَ﴾ فقالَ رَسُولُ اللَّهِ ﷺ: ﴿غَيْرُ أُوْلِى ٱلضَّرَرِ﴾ الآيَةَ كُلَّهَا. قال زَيْدٌ: فأَنْزَلَهَا اللَّهُ وَحْدَهَا فَأَلْحَقْتُهَا، وَالَّذِي نَفْسِي بِيَدِهِ لَكَأَنِّي أَنْظُرُ إلى مُلْحَقِهَا عِنْدَ صَدْعٍ في كَتِفٍ».

2508 ـ حدّثنا مُوسَى بنُ إسْمَاعِيلَ: حدَّثنا حَمَّادٌ، عن حُمَيْدٍ، عن مُوسَى بنِ أَنَسِ بنِ مَالِكٍ، عن أَبِيهِ أَنَّ رَسُولَ اللَّهِ ﷺ قال: «**لَقَدْ تَرَكْتُمْ بالمَدِينَةِ أَقْوامًا ما سِرْتُمْ مَسِيرًا، وَلا أَنْفَقْتُمْ مِنْ نَفَقَةٍ، وَلا قَطَعْتُمْ مِنْ وَادٍ إلاَّ وَهُمْ مَعَكُم فِيهِ**». قالُوا: يا رَسُولَ اللَّهِ وَكَيْفَ يَكُونُونَ مَعَنَا وَهُمْ بالمَدِينَةِ؟ قال: «**حَبَسَهُم العُذْرُ**».

[ت21/م20] ـ باب ما يُجْزِىء من الغزو

2509 ـ حدّثنا عَبْدُ اللَّهِ بنُ عَمْرِو بنِ أَبي الْحَجَّاجِ أَبُو مَعْمَرٍ: حدَّثنا عَبْدُ الوَارِثِ: حدَّثنا الْحُسَيْنُ: حدثني يَحْيَى: حدثني أَبُو سَلَمَةَ: حدثني بُسْرُ بنُ سَعِيدٍ: حدَّثني زَيْدُ بنُ خَالِدٍ الْجُهَنِيُّ أَنَّ رَسُولَ اللَّهِ ﷺ قالَ: «**مَنْ جَهَّزَ غَازِيًا في سَبِيلِ اللَّهِ فَقَدْ غَزَا، وَمَنْ خَلَفَهُ في أَهْلِهِ بِخَيْرٍ فَقَدْ غَزَا**».

2510 ـ حدّثنا سَعِيدُ بنُ مَنْصُورٍ: أخبرنا ابنُ وَهْبٍ: أخبرني عَمْرُو بنُ الْحَارِثِ، عن يَزِيدَ بنِ أَبي حَبِيبٍ، عن يَزِيدَ بنِ أَبي سَعِيدٍ مَوْلَى المَهْرِيِّ، عن أَبِيهِ، عن أَبي سَعِيدٍ الْخُدْرِيِّ: أَنَّ رَسُولَ اللَّهِ ﷺ بَعَثَ إلى بَنِي لِحْيَانَ وقال: «**لِيَخْرُجْ مِنْ كُلِّ رَجُلَيْنِ رَجُلٌ**». ثُمَّ قالَ لِلْقَاعِدِ: «**أَيُّكُم خَلَفَ الْخَارِجَ في أَهْلِهِ وَمَالِهِ بِخَيْرٍ كَانَ لَهُ مِثْلُ نِصْفِ أَجْرِ الْخَارِجِ**».

[ت22/م21] ـ باب في الجُرْأَة والجُبْنِ

2511 ـ حدّثنا عَبْدُ اللَّهِ بنُ الْجَرَّاحِ، عن عَبْدِ اللَّهِ بنِ يَزِيدَ، عن مُوسَى بنِ عُلَيِّ بنِ رَبَاحٍ، عن أَبِيهِ، عن عَبْدِ الْعَزِيزِ بنِ مَرْوَانَ قالَ: سَمِعْتُ أَبَا هُرَيْرَةَ يَقُولُ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «**شَرُّ مَا فِي رَجُلٍ شُحٌّ هَالِعٌ وَجُبْنٌ خَالِعٌ**».

[23] Allah's Statement: "And Make Not Your Own Hands Contribute To (Your) Destruction; But Do Good"

2512- It is narrated on the authority of Aslam Abu Imran that he said: We set out from the City aiming at Constantinople, under the leadership of Abd Ar-Rahman Ibn Khalid Ibn Al-Walid, and the Romans were giving their backs to the wall of the city. One from amongst us attacked the row of the enemies so violently and fiercely. Some people said: "No doubt, he contributed to his destruction." Upon this Abu Ayyub said: "Indeed, this Verse was revealed pertaining to us, the assembly of the Ansar. When Allah Almighty made His Messenger victorious, and caused Islam to prevail and predominate, we said: "Let's return and live with our property, and develop it." On that occasion it was revealed: "And spend of your substance in the Cause of Allah, and make not your own hands contribute to (your) destruction." No doubt, such destruction was to stay with families and property, and leave Jihad." Abu Imran said: Ayyub kept fighting in the Cause of Allah until he was buried near Constantinople.

[24] What About Archery?

2513- It is narrated on the authority of Uqbah Ibn Amir that he said: I heard the Messenger of Allah "Allah's blessing and peace be upon him" having said: "Allah admits three persons to the Garden with each single arrow: its maker, who expects good (and reward from Allah) with its making, its archer, and the provider of its shots. Practice archery and horsemanship, even though archery is dearer to me than horsemanship. Furthermore, only three (types of) amusement are permitted: to train one's horse, to play with one's wife, and to practice archery; and if one leaves archery after having being well-versed in it, has indeed left (or rejected) a blessing."

2514- It is narrated on the authority of Uqbah Ibn Amir that he said: I heard the Messenger of Allah "Allah's blessing and peace be upon him" having said while being on the pulpit: "Against them make ready your strength to the utmost of your power, including steeds of war": "Behold! The strength lies in archery! Behold! The strength lies in archery! Behold! The strength lies in archery!"

[25] What About Such As Fights For Worldly Benefits?

2515- It is narrated on the authority of Mu'adh Ibn Jabal that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "There are two kinds of fighting: If one fights for the sake of the Countenance of Allah, obeys his leader, spends as much as he could (in

[ت23/م22] ـ باب في قوله عز وجل: ﴿وَلَا تُلْقُواْ بِأَيْدِيكُمْ إِلَى ٱلتَّهْلُكَةِ﴾ [البقرة: 195]

2512 ـ حدّثنا أَحْمَدُ بنُ عَمْرِو بنِ السَّرْحِ: حدَّثنا ابنُ وَهْبٍ، عن حَيْوَةَ بنِ شُرَيْحٍ وَابنِ لَهِيعَةَ، عن يَزِيدَ بنِ أَبِي حَبِيبٍ، عن أَسْلَمَ أَبي عِمْرَانَ قال: «غَزَوْنَا مِنَ المَدِينَةِ نُرِيدُ الْقُسْطَنْطِينِيَّةَ وَعَلَى الْجَمَاعَةِ عَبْدُ الرَّحْمٰنِ بنُ خَالِدِ بنِ الْوَلِيدِ وَالرُّومُ مُلْصِقُو ظُهُورِهِمْ بِحَائِطِ المَدِينَةِ فَحَمَلَ رَجُلٌ عَلَى الْعَدُوِّ فَقَالَ النَّاسُ: مَهْ مَهْ لاَ إِلٰه إلاَّ اللَّهِ يُلْقِي بِيَدَيْهِ إِلَى التَّهْلُكَةِ فَقَالَ أَبُو أَيُّوبَ: إِنَّمَا نَزَلَتْ هَذِهِ الآيَةُ فِينَا مَعْشَرَ الأَنْصَارِ لَمَّا نَصَرَ اللَّهِ نَبِيَّهُ ﷺ، وَأَظْهَرَ الإِسْلاَمَ، قُلْنَا: هَلُمَّ نُقِيمُ فِي أَمْوَالِنَا وَنُصْلِحُهَا، فَأَنْزَلَ اللَّهِ عَزَّ وَجَلَّ: ﴿وَأَنفِقُواْ فِي سَبِيلِ ٱللَّهِ وَلَا تُلْقُواْ بِأَيْدِيكُمْ إِلَى ٱلتَّهْلُكَةِ﴾ فَالإِلْقَاءُ بِالأَيْدِي إِلَى التَّهْلُكَةِ أَنْ نُقِيمَ فِي أَمْوَالِنَا وَنُصْلِحَهَا وَنَدَعَ الْجِهَادَ. قال أَبُو عِمْرَانَ: فَلَمْ يَزَلْ أَبُو أَيُّوبَ يُجَاهِدُ فِي سَبِيلِ اللَّهِ عَزَّ وَجَلَّ حَتَّى دُفِنَ بِالْقُسْطَنْطِينِيَّةِ».

[ت24/م23] ـ باب في الرَّمْيِ

2513 ـ حدّثنا سَعِيدُ بنُ مَنْصُورٍ: حدَّثنا عَبْدُ اللَّهِ بنُ المُبَارَكِ: حدَّثني عَبْدُ الرَّحْمٰنِ بنُ يَزِيدَ بنِ جَابِرٍ: حَدَّثَني أَبُو سَلاَّمٍ، عن خَالِدِ بنِ زَيْدٍ، عن عُقْبَةَ بنِ عَامِرٍ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «**إِنَّ اللَّهَ عَزَّ وَجَلَّ يُدْخِلُ بِالسَّهْمِ الْوَاحِدِ ثَلاَثَةَ نَفَرٍ الْجَنَّةَ: صَانِعَهُ يَحْتَسِبُ فِي صَنْعَتِهِ الْخَيْرَ، وَالرَّامِي بِهِ، وَمُنَبِّلَهُ، وَارْمُوا وارْكَبُوا وَأَنْ تَرْمُوا أَحَبُّ إِلَيَّ مِنْ أَنْ تَرْكَبُوا. لَيْسَ مِنَ اللَّهْوِ إلاَّ ثَلاَثٌ: تَأْدِيبُ الرَّجُلِ فَرَسَهُ، وَمُلاَعَبَتُهُ أَهْلَهُ، وَرَمْيُهُ بِقَوْسِهِ وَنَبْلِهِ، وَمَنْ تَرَكَ الرَّمْيَ بَعْدَ مَا عَلِمَهُ رَغْبَةً عَنْهُ فَإِنَّهَا نِعْمَةٌ تَرَكَهَا**» أو قَالَ «**كَفَرَهَا**».

2514 ـ حدّثنا سَعِيدُ بنُ مَنْصُورٍ: حدَّثنا عَبْدُ اللَّهِ بنُ وَهْبٍ: أَخْبَرَنِي عَمْرُو بنُ الْحَارِثِ، عن أَبي عَلِيٍّ ثُمَامَةَ بنُ شُفَيٍّ الْهَمَدَانِيِّ أَنَّهُ سَمِعَ عُقْبَةَ بنَ عَامِرٍ الْجُهَنِيَّ يَقُولُ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ وَهُوَ عَلَى المِنْبَرِ يَقُولُ: «﴿وَأَعِدُّواْ لَهُم مَّا ٱسْتَطَعْتُم مِّن قُوَّةٍ﴾ [الأنفال: 60] **أَلاَ إِنَّ الْقُوَّةَ الرَّمْيُ، أَلاَ إِنَّ الْقُوَّةَ الرَّمْيُ، أَلاَ إِنَّ الْقُوَّةَ الرَّمْيُ**».

[ت25/م24] ـ باب فيمن يَغْزو ويلتمس الدنيا

2515 ـ حدّثنا حَيْوَةُ بنُ شُرَيْحٍ الْحَضْرَمِيُّ: حدَّثنا بَقِيَّةُ: حَدَّثَني بَحِيرٌ، عن خَالِدِ بنِ مَعْدَانَ، عن أَبِي بَحْرِيَّةَ، عن مُعَاذِ بنِ جَبَلٍ، عن رَسُولِ اللَّهِ ﷺ أَنَّهُ قَالَ: «**الْغَزْوُ غَزْوَانِ: فَأَمَّا مَن ابْتَغَى وَجْهَ اللَّهِ وَأَطَاعَ الإِمَامَ وَأَنْفَقَ الْكَرِيمَةَ وَيَاسَرَ الشَّرِيكَ**

Allah's Cause), becomes easy with his partners, avoids mischief, no doubt, he will receive reward in both his slumber and wakefulness; and if one fights by way of showing off, out of pride and with the intention to gain good reputation, disobeys his leader, and does mischief in the land, he will not return even with the minimum requirements (of the permanent living)."

2516- It is narrated on the authority of Abu Hurairah that a man said to the Messenger of Allah "Allah's blessing and peace be upon him": "O Messenger of Allah! What about one who intends to fight in the Cause of Allah, and at the same time, he likes to gain a worldly benefit." The Messenger of Allah "Allah's blessing and peace be upon him" said: "No reward is assured to him." The people felt it grievous and said to the man: "Return to the Messenger of Allah "Allah's blessing and peace be upon him", perchance you have failed to make your statement understandable." He returned to him and said: "O Messenger of Allah! What about one who intends to fight in the Cause of Allah, and at the same time, he likes to gain a worldly benefit." The Messenger of Allah "Allah's blessing and peace be upon him" said: "No reward is assured to him." They told the man to return to the Messenger of Allah "Allah's blessing and peace be upon him" and raise the same question; and he asked him for the third time, thereupon the Messenger of Allah "Allah's blessing and peace be upon him" said: "No reward is assured to him."

[26] What About Such As Fights In Order That Allah's Word (Of Religion) Should Become Superior?

2517- It is narrated on the authority of Abu Musa Al-Ash'ari: A Bedouin came and asked The Prophet "Allah's blessing and peace be upon him": "A man may fight so that he may be mentioned by the people, another to be praised, a third for the sake of booty, and a fourth to show his position (i.e. bravery): which of these is regarded as fighting in Allah's Cause?" The Prophet "Allah's blessing and peace be upon him" said: "He who fights so that Allah's Word (i.e. Islam) should be superior, fights in Allah's Cause."

2518- It is narrated on the authority of Amr that he said: I heard a narration from Abu Wa'il which I admired so much...and he mentioned the same.

2519- It is narrated on the authority of Abdullah Ibn Amr that he said to the Messenger of Allah "Allah's blessing and peace be upon him": "Tell me something about Jihad and fighting in Allah's Cause." The Messenger of Allah "Allah's blessing and peace be upon him" said: "O Abdullah Ibn Amr! If you fight with firm patience, expecting (the reward only from Allah

وَاجْتَنَبَ الْفَسَادَ فَإِنَّ نَوْمَهُ وَنَبْهَهُ أَجْرٌ كُلُّهُ، وَأَمَّا مَنْ غَزَا فَخْرًا وَرِيَاءً وَسُمْعَةً وَعَصَى الإِمَامَ وَأَفْسَدَ فِي الأَرْضِ فَإِنَّهُ لَمْ يَرْجِعْ بِالْكَفَافِ».

2516 ـ حدّثنا أَبُو تَوْبَةَ الرَّبِيعُ بنُ نَافِعٍ، عن ابنِ الْمُبَارَكِ، عن ابنِ أَبي ذِئْبٍ، عن الْقَاسِمِ، عن بُكَيْرِ بنِ عَبْدِ اللَّهِ بنِ الأَشَجِّ، عن ابنِ مِكْرَزٍ ـ رَجُلٌ مِنْ أَهْلِ الشَّامِ ـ عنْ أَبي هُرَيْرَةَ: أَنَّ رَجُلاً قَالَ: يَا رَسُولَ اللَّهِ رَجُلٌ يُرِيدُ الْجِهَادَ في سَبِيلِ اللَّهِ وَهُوَ يَبْتَغِي عَرَضًا مِنْ عَرَضِ الدُّنْيَا؟ فقال النَّبيُّ ﷺ: «**لاَ أَجْرَ لَهُ**»، فَأَعْظَمَ ذَلِكَ النَّاسُ، وَقَالُوا لِلرَّجُلِ: عُدْ لِرَسُولِ اللَّهِ ﷺ فَلَعَلَّكَ لَمْ تُفَهِّمْهُ، فقال: يَا رَسُولَ اللَّهِ رَجُلٌ يُرِيدُ الْجِهَادَ في سَبِيلِ اللَّهِ وَهُوَ يَبْتَغِي عَرَضًا مِنْ عَرَضِ الدُّنْيَا؟ قالَ: «**لاَ أَجْرَ لَهُ**»، فَقَالُوا لِلرَّجُلِ: عُدْ لِرَسُولِ اللَّهِ ﷺ فقالَ لَهُ الثَّالِثَةَ فقالَ لَهُ: «**لاَ أَجْرَ لَهُ**».

[ت26/م...] ـ باب من قاتل لتكون كلمة اللَّهِ هي العليا

2517 ـ حدّثنا حَفْصُ بنُ عُمَرَ: حدَّثنا شُعْبَةُ، عنْ عَمْرِو بنِ مُرَّةَ، عن أَبي وَائِلٍ، عن أَبي مُوسَى: أَنَّ أَعْرَابِيًّا جَاءَ إِلى رَسُولِ اللَّهِ ﷺ فقالَ: إِنَّ الرَّجُلَ يُقَاتِلُ لِلذِّكْرِ، وَيُقَاتِلُ لِيُحْمَدَ، وَيُقَاتِلُ لِيَغْنَمَ، وَيُقَاتِلُ لِيُرَى مَكَانُهُ؟ فقالَ رَسُولُ اللَّهِ ﷺ: «**مَنْ قَاتَلَ حَتَّى تَكُونَ كَلِمَةُ اللَّهِ هِيَ أَعْلَى فَهُوَ في سَبِيلِ اللَّهِ عَزَّ وَجَلَّ**».

2518 ـ حدّثنا عَلِيُّ بنُ مُسْلِمٍ: حدَّثنا أَبُو دَاوُدَ، عنْ شُعْبَةَ، عن عَمْرٍو قال: سَمِعْتُ مِنْ أَبي وَائِلٍ حديثًا أَعْجَبَنِي فَذَكَرَ مَعْنَاهُ.

2519 ـ حدّثنا مُسْلِمُ بنُ حَاتِمٍ الأَنْصَارِيُّ: حدَّثنا عَبْدُ الرَّحْمٰنِ بنُ مَهْدِيٍّ: حدَّثنا مُحَمَّدُ بنُ أَبي الْوَضَّاحِ، عن الْعَلاَءِ بنِ عَبْدِ اللَّهِ بنِ رَافِعٍ، عن حَنَانِ بنِ خَارِجَةَ، عن عَبْدِ اللَّهِ بنِ عَمْرٍو رَضِيَ اللَّهِ عَنْهُ قالَ: قالَ عَبْدُ اللَّهِ بنُ عَمْرٍو يَا رَسُولَ اللَّهِ أَخْبِرْنِي عن الْجِهَادِ وَالْغَزْوِ، فقالَ: «**يَا عَبْدَ اللَّهِ بنِ عَمْرٍو إِنْ قَاتَلْتَ**

Almighty), Allah will resurrect you as being patiently persevering, expecting (the reward from Him); and if you fight out of showing off and competing with others, Allah will raise you in a state of showing off and competing. O Abdullah Ibn Amr! In whichever state you fight or is killed, Allah will raise you in such a state."

[27] The Excellence Of Martyrdom

2520- It is narrated on the authority of Ibn Abbas: The Messenger of Allah "Allah's blessing and peace be upon him" said: "When your brothers fell as martyrs on the day of the holy battle of Uhud, Allah Almighty placed their souls in the bodies of green birds, which come to drink from the rivers of the Garden, eat of its fruits, and then nestle to chandeliers of gold in the shade of the Throne. When they found that their food and drink were sweet, and their end was good, they said: "Would that our (living) brothers know what Allah Almighty had done with us, so that they would not refrain from setting out for Jihad, and fail to fight (in the Cause of Allah)." Allah Almighty said: "I would report them on your behalf." Therefore, on that occasion, Allah Almighty revealed those Verses: "Think not of those who are slain in Allah's Way as dead. Nay, they are living, given their sustenance in the presence of their Lord. They are delighted for the Bounty bestowed upon them by Allah, rejoicing for the sake of those left behind, who have not yet joined them (in their bliss, in view of the fact) that on them there shall be no fear, nor shall they grieve.""

2521- It is narrated on the authority of Hasna' Bint Mu'awiyah from her paternal uncle that he said: I asked the Messenger of Allah "Allah's blessing and peace be upon him": "Who will be in the Garden?" he said: "The Prophet will be in the Garden; the martyr will be in the Garden; the born (who dies while still a babe) will be in the Garden; and such as buried alive will be in the Garden."

[28] A Martyr Will Be Made To Intercede (For Whomever He Likes)

2522- It is narrated on the authority of Nimran Ibn Utbah Adh-Dhumari that he said: We visited Umm Ad-Darda' and she said: Have the glad tidings, for I heard Abu Ad-Darda' having said: "The martyr will be made to intercede for seventy from amongst his household."

[29] Seeing The Light At The Grave Of A Martyr

2523- It is narrated on the authority of A'ishah that she said: When the Negus died we talked for some time that light had still being visible on his grave.

صَابِرًا مُحْتَسِبًا بَعَثَكَ اللَّهِ صَابِرًا مُحْتَسِبًا، وَإِنْ قَاتَلْتَ مُرَائِيًا مُكَاثِرًا بَعَثَكَ اللَّهِ مُرَائِيًا مُكَاثِرًا، يَا عَبْدَ اللَّهِ بنَ عَمْرٍو: عَلَى أَيِّ حَالٍ قَاتَلْتَ أَوْ قُتِلْتَ بَعَثَكَ اللَّهِ عَلَى تِلْكَ الْحَالِ».

[ت27/م25] ـ باب في فَضْلِ الشهادة

2520 ـ حدّثنا عُثْمَانُ بنُ أَبي شَيْبَةَ: حدَّثنا عَبْدُ اللَّهِ بنُ إدْرِيسَ، عن مُحَمَّدِ بنِ إسْحَاقَ، عن إسْمَاعِيلَ بنِ أُمَيَّةَ، عنْ أَبي الزُّبَيْرِ، عن سَعِيدِ بنِ جُبَيْرٍ، عن ابنِ عَبَّاسٍ قال: قال رَسُولُ اللَّهِ ﷺ: «**لَمَّا أُصِيبَ إخْوَانُكُم بِأُحُدٍ جعَلَ اللَّهِ أَرْوَاحَهُمْ في جَوْفِ طَيْرٍ خُضْرٍ تَرِدُ أَنْهَارَ الْجَنَّةِ تَأْكُلُ مِنْ ثِمَارِهَا وَتَأْوِي إلَى قَنَادِيلَ مِنْ ذَهَبٍ مُعَلَّقَةٍ في ظِلِّ الْعَرْشِ فَلَمَّا وَجَدُوا طِيبَ مَأْكَلِهِمْ وَمَشْرَبِهِمْ وَمَقِيلِهِمْ قَالُوا: مَنْ يُبَلِّغُ إخْوَانَنَا عَنَّا أَنَّا أَحْيَاءٌ في الْجَنَّةِ نُرْزَقُ لِئَلاَّ يَزْهَدُوا في الْجِهَادِ وَلاَ يَنْكُلُوا عِنْدَ الْحَرْبِ؟ فَقَالَ اللَّهُ تَعَالَى: أَنَا أُبَلِّغُهُمْ عَنْكُم**»، قالَ: «وَأَنْزَلَ اللَّهِ عَزَّ وَجَلَّ: ﴿وَلَا تَحْسَبَنَّ ٱلَّذِينَ قُتِلُوا۟ فِى سَبِيلِ ٱللَّهِ أَمْوَٰتًا﴾[آل عمران: 169] إلى آخِرِ الآيَةِ».

2521 ـ حدّثنا مُسَدَّدٌ: حدَّثنا يَزِيدُ بنُ زُرَيْعٍ: حدَّثنا عَوْفٌ: حدَّثَتْنَا حَسْنَاءُ بِنْتُ مُعَاوِيَةَ الصُّرَيمِيَّةُ قَالَتْ: حدَّثنا عَمِّي قال: قُلْتُ لِلنَّبيِّ ﷺ: مَنْ في الْجَنَّةِ؟ قال: «**النَّبيُّ في الْجَنَّةِ، وَالشَّهِيدُ في الْجَنَّةِ، وَالْمَوْلُودُ في الْجَنَّةِ، وَالْوَئِيدُ في الْجَنَّةِ**».

[ت28/م26] ـ باب في الشهيد يُشَفَّعُ

2522 ـ حدّثنا أَحْمَدُ بنُ صَالحٍ: حدَّثنا يَحيَى بنُ حَسَّانَ: حدَّثنا الْوَلِيدُ بنُ رَبَاحٍ الذِّمَارِيُّ: حَدَّثني عَمِّي نِمْرَانُ بنُ عُتْبَةَ الذِّمَارِيُّ: قال: دَخَلْنَا عَلَى أُمِّ الدَّرْدَاءِ وَنَحْنُ أَيْتَامٌ فقالَتْ: أَبْشِرُوا فإنِّي سَمِعْتُ أَبَا الدَّرْدَاءِ يقُولُ: قال رَسُولُ اللَّهِ ﷺ: «**يُشَفَّعُ الشَّهِيدُ في سَبْعِينَ مِنْ أَهْلِ بَيْتِهِ**».

قال أَبُو دَاوُدَ: صَوَابُهُ رَبَاحُ بنُ الْوَلِيدِ.

قال أَبُو دَاوُدَ: أَخْطَأَ يَحيَى بنُ حَسَّانَ وَإِنَّمَا هُوَ رَبَاحُ بنُ الْوَلِيدِ.

[ت29/م27] ـ باب في النور يُرى عند قبر الشهيد

2523 ـ حدّثنا مُحَمَّدُ بنُ عَمْرٍو الرَّازِيُّ: حدَّثنا سَلَمَةُ ـ يَعني ابنَ الْفَضْلِ ـ، عن مُحَمَّدِ بنِ إسْحَاقَ: حدَّثني يَزِيدُ بنُ رُومَانَ، عن عُرْوَةَ، عن عَائِشَةَ رَضِيَ اللَّهِ عنها قالَتْ: «لَمَّا مَاتَ النَّجَاشِيُّ كُنَّا نَتَحَدَّثُ أَنَّهُ لاَ يَزَالُ يُرَى عَلَى قَبْرِهِ نُورٌ».

2524- It is narrated on the authority of Ubaid Ibn Khalid As-Sulami that he said: The Messenger of Allah "Allah's blessing and peace be upon him" established a bond of brotherhood between two men, one of whom was killed and the other died a week or so after him. When we offered funeral prayer on him the Messenger of Allah "Allah's blessing and peace be upon him" said: "What have you said (in your prayer)?" we said: "We invoked good for him, and said: "O Allah! Forgive him, and join him with his companion."" On that the Messenger of Allah "Allah's blessing and peace be upon him" said: "Then, What about his (the latter's) prayers (he offered for a week) after his death, his fasts (he observed for a week) after his death, and his deeds (he did) after his death? No doubt, their positions are as far from one another as the heaven is from the earth."

[30] What About The Fees Taken For Fighting

2525- It is narrated on the authority of Abu Ayyub Al-Ansari that he heard the Messenger of Allah "Allah's blessing and peace be upon him" having said: "Many regions will be opened to you (by virtue of conquests), and there (or you) will be mobilized soldiers appointed (by the ruler), which will be dispatched in military expeditions, in such a way that a man from among you will dislike to be enrolled in them, thereupon he will flee away from his people, and go on offering himself to the tribes, saying: "Whom should I suffice such and such army (on the condition that they suffice me sustenance)? Whom should I suffice such and such army (on the condition that they suffice me sustenance)?" behold! This is the hireling (who receives no reward for his fighting even though he is killed and) the last drop of his blood is shed."

[31] The Concession To Accept Fees For Fighting

2526- It is narrated on the authority of Abdullah Ibn Amr that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "The fighter (in Allah's Cause) receives the reward due to him, and the hirer (of anything to be utilized in fighting) receives the reward due to both the hirer and the fighter."

[32] A Man Fights In Allah's Cause In Return For The Fees Of His Service

2527- It is narrated on the authority of Ya'li Ibn Munyah that he said: The Messenger of Allah "Allah's blessing and peace be upon him" made a public announcement for taking part in a holy battle, and I was a very old man, having no servant. I searched for a hireling to suffice me (and take part in the holy battle on my behalf) on the condition that I would give him

2524 ـ حدّثنا مُحَمَّدُ بنُ كَثِيرٍ: أَخبرنا شُعْبَةُ، عن عَمْرِو بنِ مُرَّةَ قال: سَمِعْتُ عَمْرَو بنَ مَيْمُونٍ، عن عَبْدِ اللَّهِ بنِ رُبَيِّعَةَ، عن عُبَيْدِ بنِ خَالِدٍ السُّلَمِيِّ قال: آخَى رَسُولُ اللَّهِ ﷺ بَيْنَ رَجُلَيْنِ فَقُتِلَ أَحدُهما، وَمَاتَ الآخَرُ بَعْدَهُ بِجُمُعَةٍ أَوْ نَحْوِهَا، فَصَلَّيْنَا عَلَيْهِ، فقال رَسُولُ اللَّهِ ﷺ: مَا «**قُلْتُمْ**؟» فَقُلْنَا: دَعَوْنَا لَهُ وَقُلْنَا: اللَّهِمَّ اغْفِرْ لَهُ وَأَلْحِقْهُ بِصَاحِبِهِ، فقال رَسُولُ اللَّهِ ﷺ: «**فَأَيْنَ صَلاَتُهُ بَعْدَ صَلاَتِهِ، وَصَوْمُهُ بَعْدَ صَوْمِهِ**» شَكَّ شُعْبَةُ في صَوْمِهِ ـ «**وَعَمَلُهُ بَعْدَ عَمَلِهِ؟ إِنْ بَيْنَهُمَا كَمَا بَيْنَ السَّمَاءِ وَالأَرْضِ**».

[ت30/م28] ـ باب في الجعائل في الغزو

2525 ـ حدّثنا إِبْرَاهِيمُ بنُ مُوسَى الرَّازِيُّ: أخبرنا. (ح) وحدَّثنا عَمْرُو بنُ عُثْمَانَ: حدَّثنا مُحَمَّدُ بنُ حَرْبٍ، المعنى، ـ وَأَنَا لِحَدِيثِهِ أَتْقَنُ ـ عن أَبي سَلَمَةَ سُلَيْمَانَ بنِ سُلَيْمٍ، عن يَحْيَى بنِ جَابِرٍ الطَّائِيِّ، عن ابنِ أَخي أَبي أَيُّوبَ الأَنْصَارِيِّ عنْ أَبي أَيُّوبَ أَنَّهُ سَمِعَ رَسُولَ اللَّهِ ﷺ يَقُولُ: «**سَتُفْتَحُ عَلَيْكُم الأَمْصَارُ وَسَتَكُونُ جُنُودٌ مُجَنَّدَةٌ يُقْطَعُ عَلَيْكُمْ فِيهَا بُعُوثٌ فَيَكْرَهُ الرَّجُلُ مِنْكُ الْبَعْثَ فِيهَا فَيَتَخَلَّصُ مِنْ قَوْمِهِ، ثُمَّ يَتَصَفَّحُ الْقَبَائِلَ يَعْرِضُ نَفْسَهُ عَلَيْهِمْ يَقُولُ: مَنْ أَكْفِهِ بَعْثَ كَذَا، مَنْ أَكْفِهِ بَعْثَ كَذَا، أَلاَ وَذَلِكَ الأَجِيرُ إِلَى آخِرِ قَطْرَةٍ مِنْ دَمِهِ**».

[ت31/م29] ـ باب الرُّخْصَة في أخذ الجعائل

2526 ـ حدّثنا إِبْرَاهِيمُ بنُ الْحَسَنِ المِصِّيصِيُّ: حدَّثنا حَجَّاجٌ ـ يَعني ابنَ مُحَمَّدٍ ـ. (ح)، وحدَّثنا عَبْدُ المَلِكِ بنُ شُعَيْبٍ: وحدَّثنا ابنُ وَهْبٍ، عن اللَّيْثِ بنِ سَعْدٍ، عن حَيْوَةَ بنِ شُرَيْحٍ، عن ابنِ شُفَيٍّ، عن أَبِيهِ، عن عَبْدِ اللَّهِ بنِ عَمْرٍو أَنَّ رَسُولَ اللَّهِ ﷺ قال: «**لِلْغَازِي أَجْرُهُ، وَلِلْجَاعِلِ أَجْرُهُ وَأَجْرُ الْغَازِي**».

[ت32/م30] ـ باب في الرَّجُل يَغْزُو بأجر الخِدْمة

2527 ـ حدّثنا أَحْمَدُ بنُ صَالِحٍ: حدَّثنا عَبْدُ اللَّهِ بنُ وَهْبٍ: أَخبرني عَاصِمُ بنُ حَكِيمٍ، عن يَحْيَى بنِ أَبي عَمْرٍو السَّيْبَانِيِّ، عن عَبْدِ اللَّهِ بنِ الدَّيْلَمِي أَنَّ يَعْلَى بنَ مُنْيَةَ قال: أَذِنَ رَسُولُ اللَّهِ ﷺ بالْغَزْوِ وَأَنَا شَيْخٌ كَبِيرٌ لَيْسَ لِي خَادِمٌ فَالْتَمَسْتُ أَجِيرًا يَكْفِينِي وَأُجْرِي لَهُ سَهْمَهُ فَوَجَدْتُ رَجُلاً، فَلَمَّا دَنَا الرَّحِيلُ أَتَانِي

his share (of booty). I found a man (and made an agreement with him), and a short time before departure, he came to me and said: "I do not know how much both shares would be, and how much mine would be. So, fix a definite thing to give to me, regardless of the share." I fixed three Dinars for him (as fees). When his booty was brought, I liked to give him his share, but I remembered that I had fixed three Dinars for his fees (regardless of the share). I came to the Messenger of Allah "Allah's blessing and peace be upon him", and made a mention of that to him, thereupon he said: "I could not find anything to be given to him in this holy battle in which he took part, whether in this world or in the hereafter, more than his Dinars."

[33] When One Takes Part In A Holy Battle Against The Will Of His Parents

2528- It is narrated on the authority of Abdullah Ibn Amr that a man came to the Messenger of Allah "Allah's blessing and peace be upon him" and said: "I've come to swear fealty to you for migration (with you), and left my parents weeping." On that the Messenger of Allah "Allah's blessing and peace be upon him" said to him: "Return and make them smile as you've caused them to weep."

2529- It is narrated on the authority of Abdullah Ibn Amr that a man came to the Messenger of Allah "Allah's blessing and peace be upon him" and said: "O Messenger of Allah! I like to take part in Jihad." The Messenger of Allah "Allah's blessing and peace be upon him" asked him: "Do you have your parents (living)?" he answered in the affirmative, thereupon he said to him: "Then, strive your utmost in their (service and aid)."

2530- It is narrated on the authority of Abu Sa'id Al-Khudri that he said: A man emigrated from Yemen to the Messenger of Allah "Allah's blessing and peace be upon him", to whom he said: "Do you have anyone of your kinship in Yemen?" he said: "I have my parents there." He asked: "Have they given you permission (to emigrate and take part in Jihad)?" he answered in the negative, thereupon the Messenger of Allah "Allah's blessing and peace be upon him" said to him: "Return and take their permission: if they give you permission then come and take part in Jihad, otherwise be dutiful and kind to them (as much as you can)."

[34] The Women Take Part In Holy War

2531- It is narrated on the authority of Anas that he said: While the Messenger of Allah "Allah's blessing and peace be upon him" was fighting

فقال: مَا أَدْرِي ما السُّهْمَانُ وَمَا يَبْلُغُ سَهْمِي فَسَمِّ لِي شَيْئًا كَانَ السَّهْمُ أَوْ لَمْ يَكُنْ، فَسَمَّيْتُ لَهُ ثلاثَةَ دَنَانِيرَ فَلَمَّا حَضَرَتْ غَنِيمَتُهُ أَرَدْتُ أَنْ أُجْرِيَ لَهُ سَهْمَهُ فَذَكَرْتُ الدَّنَانِيرَ، فَجِئْتُ النَّبِيَّ ﷺ فَذَكَرْتُ لَهُ أَمْرَهُ فقال: «**ما أَجِدُ له في غَزْوَتِهِ هَذِهِ في الدُّنْيَا وَالآخِرَةِ إلاَّ دَنَانِيرَهُ الَّتي سَمَّى**».

[ت33/م31] ـ باب في الرجل يغزو وأبواه كارهان

2528 ـ حدّثنا مُحَمَّدُ بنُ كَثِيرٍ: أخبرنا سُفْيَانُ: حدَّثنا عَطَاءُ بنُ السَّائِبِ، عن أَبِيهِ، عن عَبْدِ اللَّهِ بنِ عَمْرٍو قال: جَاءَ رَجُلٌ إلى رَسُولِ اللَّهِ ﷺ فقال: جِئْتُ أُبَايِعُكَ عَلَى الهِجْرَةِ وَتَرَكْتُ أَبَوَيَّ يَبْكِيَانِ، قال: «**ارْجِعْ عليهما فَأَضْحِكْهُمَا كَمَا أَبْكَيْتَهُمَا**».

2529 ـ حدّثنا مُحَمَّدُ بنُ كَثِيرٍ: أخبرنا سُفْيَانُ، عن حَبِيبِ بنِ أبي ثَابِتٍ، عن أَبي الْعَبَّاسِ، عن عَبْدِ اللَّهِ بنِ عَمْرٍو قال: جَاءَ رَجُلٌ إلى النَّبِيِّ ﷺ فقال: يا رَسُولَ اللَّهِ أُجَاهِدُ؟ قال: «**أَلَكَ أَبَوَانِ**»؟ قال: نَعَمْ، قال: «**فَفِيهِمَا فَجَاهِدْ**»».

قال أَبُو دَاوُدَ: أَبُو العَبَّاسِ هَذَا الشَّاعِرُ اسْمُهُ السَّائِبُ بنُ فَرُّوخٍ.

2530 ـ حدّثنا سَعِيدُ بنُ مَنْصُورٍ: حدَّثنا عَبْدُ اللَّهِ بنُ وَهْبٍ: أَخْبَرَنِي عَمْرُو بنُ الْحَارِثِ، أَنَّ دَرَّاجًا أَبَا السَّمْحِ حَدَّثَهُ، عن أَبِي الْهَيْثَمِ، عن أَبِي سَعِيدٍ الْخُدْرِيِّ: أَنَّ رَجُلاً هَاجَرَ إلى رَسُولِ اللَّهِ ﷺ مِنَ اليَمَنِ فَقَالَ: «**هَلْ لَكَ أَحَدٌ بِالْيَمَنِ؟**» فَقَالَ: أَبَوَايَ، فقَالَ: «**أَذِنَا لَكَ؟**» قَالَ: لاَ. قالَ: «**ارْجِعْ إِلَيْهِمَا فَاسْتَأْذِنْهُمَا فَإِنْ أَذِنَا لَكَ فَجَاهِدْ وَإِلاَّ فَبِرَّهُمَا**».

[ت34/م32] ـ باب في النِّساء يَغْزُون

2531 ـ حدّثنا عَبْدُ السَّلاَمِ بنُ مُطَهِّرٍ: حدَّثنا جَعْفَرُ بنُ سُلَيْمَانَ، عن ثَابِتٍ، عن أَنَسٍ قالَ: «كَانَ رَسُولُ اللَّهِ ﷺ يَغْزُو بِأُمِّ سُلَيْمٍ وَنِسْوَةٍ مِنَ الأَنْصَارِ

(the tribe of) Banu Sulaim, some women from amongst the Ansar were providing the soldiers with water, and treating the wounded ones.

[35] What About Taking Part With The Unfair Rulers In Holy War

2532- It is narrated on the authority of Anas Ibn Malik that the Messenger of Allah "Allah's blessing and peace be upon him" said: "The following three are of the fundaments of faith (as far as war is concerned): to withhold (the hand) from such as bears witness that there is no god but Allah, and not to ascribe him to infidelity nor to bring him out of Islam because of whatever sin or evil deed he might commit; and Jihad is and will remain standing since Allah Almighty sent me (as Messenger) until the last of my nation will fight Ad-Dajjal, and neither the injustice of an unfair ruler, nor the justice of a fair ruler will cancel it; and (the third is) to have faith in the destiny."

2533- It is narrated on the authority of Abu Hurairah that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "Taking part in Jihad is incumbent upon you with any ruler, be he righteous or wicked, and the prayer is incumbent upon you (in congregation) behind any Muslim, be he righteous or wicked, and even if he commits sins, and the prayer is incumbent upon every Muslim, be he righteous or wicked, and even if he commits sins, and fasting is incumbent upon every Muslim, be he righteous or wicked, and even if he commits sins."

[36] When One Takes Part In Fighting On A Means Of Conveyance Given By Another

2534- It is narrated on the authority of Jabir that he said: Once, the Messenger of Allah "Allah's blessing and peace be upon him" intended to set out for a holy battle, thereupon he said: "O assembly of Emigrants and Ansar! From amongst your (Muslim) brothers, there are such as has no means of conveyance, nor anyone of his clan (to provide him with it): so, let anyone of you (who has means of conveyance) join to himself two or three men." There was none of us who had means of conveyance but that he had one of them (share riding with him by turns). I joined to me two or three men, and I had (no preference over them, since I had only) a turn of riding my camel like anyone of them.

[37] When One Takes Part In A Holy Battle In Search For Both Reward And Booty

2535- It is narrated on the authority of Ibn Zughb Al-Iyadi that he said: Abdullah Ibn Hiwalah Al-Azdi was my guest, and he told me: Once, the Messenger of Allah "Allah's blessing and peace be upon him" sent us (in a

لِيَسْتَقِينَ الْمَاءَ وَيُدَاوِينَ الْجَرْحَى».

[ت35/م33] ـ باب في الغزو مع أئمة الجَوْر

2532 ـ حدّثنا سَعِيدُ بنُ مَنْصُورٍ: حدَّثنا أبو مُعَاوِيَةَ: حدَّثنا جَعْفَرُ بنُ بُرْقَانَ، عن يَزِيدَ بنِ أَبِي نُشْبَةَ، عن أَنَسِ بنِ مَالِكٍ قالَ: قالَ رَسُولُ اللَّهِ ﷺ: **«ثَلاَثٌ مِنْ أَصْلِ الإِيمَانِ: الكَفُّ عن مَنْ قَالَ لاَ إِلَهَ إلاَّ اللَّهُ وَلاَ نُكَفِّرُهُ بِذَنْبٍ وَلاَ نُخْرِجُهُ مِنَ الإِسْلاَمِ بِعَمَلٍ، وَالْجِهَادُ مَاضٍ مُنْذُ بَعَثَنِي اللَّهُ إِلَى أَنْ يُقَاتِلَ آخِرُ أُمَّتِي الدَّجَّالَ لاَ يُبْطِلُه جَوْرُ جَائِرٍ، وَلاَ عَدْلُ عَادِلٍ، وَالإِيمَانُ بالأَقْدَارِ»**.

2533 ـ حدّثنا أَحْمَدُ بنُ صَالِحٍ: حدَّثنا ابنُ وَهْبٍ: حَدَّثَني مُعَاوِيَةُ بنُ صَالِحٍ، عن العَلاَءِ بنِ الْحَارِثِ، عن مَكْحُولٍ، عن أَبِي هُرَيْرَةَ قال: قالَ رَسُولُ اللَّهِ ﷺ: **«الجِهَادُ وَاجِبٌ عَلَيْكُم مَعَ كُلِّ أَمِيرٍ بَرًّا كَانَ أَوْ فَاجِرًا، وَالصَّلاَةُ وَاجِبَةٌ عَلَيْكُم خَلْفَ كُلِّ مُسْلِمٍ بَرًّا كَانَ أَوْ فَاجِرًا وَإِنْ عَمِلَ الكَبَائِرَ، وَالصَّلاَةُ وَاجِبَةٌ عَلَى كُلِّ مُسْلِمٍ بَرًّا كَانَ أَوْ فَاجِرًا وَإِنْ عَمِلَ الكَبَائِرَ، والصيام واجبٌ على كل مسلمٍ بَرًّا كان أو فاجرًا وإن عملَ الكبائرَ»**.

[ت36/م34] ـ باب الرُّجل يَتَحَمَّل بمال غيره يغزو

2534 ـ حدّثنا مُحَمَّدُ بنُ سُلَيْمَانَ الأَنْبَارِيُّ: حدَّثنا عَبِيدَةُ بنُ حُمَيْدٍ، عن الأَسْوَدِ بنِ قَيْسٍ، عن نُبَيْحٍ العَنَزِيِّ، عن جَابِرِ بنِ عَبْدِ اللَّهِ: حَدَّثَ عن رَسُولِ اللَّهِ ﷺ أَنَّهُ أَرَادَ أَنْ يَغْزُوَ قالَ: **«يَا مَعْشَرَ الْمُهَاجِرِينَ وَالأَنْصَارِ إِنَّ مِنْ إِخْوَانِكُمْ قَوْمًا لَيْسَ لَهُم مَالٌ وَلاَ عَشِيرَةٌ فَلْيَضُمَّ أَحَدُكُم إِلَيْهِ الرَّجُلَيْنِ أَوِ الثَّلاَثَةِ فَمَا لأَحَدِنَا مِنْ ظَهْرٍ يَحْمِلُهُ إِلاَّ عُقْبَةٌ كَعُقْبَةِ»** ـ يَعْني أَحَدِهِم، قالَ: فَضَمَمْتُ إِلَيَّ اثْنَيْنِ أَوْ ثَلاَثَةً قالَ: مَا لِي إِلاَّ عُقْبَة كَعُقْبَةِ **«أَحَدِهِم مِنْ جَمَلِي»**.

[ت37/م35] ـ باب في الرَّجل يَغْزُو يلتمس الأَجر والغنيمة

2535 ـ حدّثنا أَحْمَدُ بنُ صَالِحٍ: حدَّثنا أَسَدُ بنُ مُوسَى: حدَّثنا مُعَاوِيَةُ بنُ صَالِحٍ: حَدَّثَني ضَمْرَةُ أَنَّ ابنَ زُغْبٍ الإِيَادِيَّ حَدَّثَهُ قالَ: نَزَلَ عَلَيَّ عَبْدُ اللَّهِ بنُ حَوَالَةَ الأَزْدِيُّ فَقَالَ لِي: بَعَثَنَا رَسُولُ اللَّهِ ﷺ لِنَغْنَمَ عَلَى أَقْدَامِنَا فَرَجَعْنَا فَلَمْ نَغْنَمْ

military expedition) to gain booty (through war) on foot, and we returned with failure to gain anything, and the (traces of) weariness were visible on our faces. On that he stood and addressed us saying: "O Allah! Put not their trust in me, so that I would be too weak to help them, nor in their own souls, so that they would fail to satisfy themselves, nor in the people so that they would give themselves preference over them." Then, he put his hand on my head and said: "O Ibn Hiwalah! If you see the (headquarters of) ruling being moved to the Sacred land, (you should know) that it is nearly time for (so many) earthquakes, distresses, catastrophes, and disasters, and at that time, the Hour (of Judgement) will be much closer to the people than this hand of mine to your head."

[38] One Sells Himself (To Allah And His Messenger)

2536- It is narrated on the authority of Abdullah Ibn Mas'ud that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "Our Lord wonders at a man who takes part in a holy battle in Allah's Cause, but his companions were defeated, and since he knows whatever obligation is due upon him, he returns (and keeps fighting) until his blood is shed (and he killed). Allah Almighty says: "Look at My servant! He has returned (to fighting) out of desire for whatever (blessings) I have, and for fear of whatever (punishment) I have until his blood was shed (and he was martyred).""

[39] When One Embraces Islam And Immediately Is Killed In His Place In Allah's Cause

2537- It is narrated on the authority of Abu Hurairah that Amr Ibn Uqaish used to practice usury during the pre-Islamic period of ignorance, and he disliked to embrace Islam before he would collect his money. On the day of (the holy battle of) Uhud he came and said: "Where is my paternal cousins?" it was said: "In Uhud." He asked: "Where is so and so?" it was said: "In Uhud." He further asked: "Where is so and so?" it was said: "In Uhud." He put on his armour and rode his horse, and then he went towards them, and when the Muslims met him they said: "Keep away from us O Amr!" he said: "I've come to have faith (in Allah and His Messenger)." He fought beside them until he was fatally wounded. He was carried as wounded to his family, and Sa'd Ibn Mu'adh came and said to his sister: "Ask him whether he had fought out of passion for his people, or anger for their sake, or anger for the sake of Allah and His Messenger." He said: "Nay! (I've fought) out of anger for Allah and His Messenger." He died and was admitted to the Garden, even though he never offered prayer.

شَيْئًا، وَعَرَفَ الجَهْدَ في وُجُوهِنَا، فَقَامَ فِينَا، فقالَ: «**اللَّهمَّ لاَ تَكِلْهُمْ إلَيَّ فَأَضْعُفَ عَنْهُمْ، وَلاَ تَكِلْهُمْ إلَى أَنْفُسِهِمْ فَيَعْجَزُوا عَنْهَا، وَلاَ تَكِلْهُمْ إلى النَّاسِ فَيَسْتَأْثِرُوا عَلَيْهِمْ**» ثُمَّ وَضَعَ يَدَهُ عَلَى رَأْسِي أَوْ قال: عَلَى هَامَتِي ثُمَّ قالَ: «**يَا ابْنَ حَوَالَةَ إذَا رَأَيْتَ الْخِلاَفَةَ قَدْ نَزَلَتْ أَرْضَ المُقَدَّسَةَ فَقَدْ دَنَتِ الزَّلاَزِلُ وَالبَلاَبِلُ وَالأُمُورُ العِظَامُ، وَالسَّاعَةُ يَوْمَئِذٍ أَقْرَبُ مِنَ النَّاسِ مِنْ يَدِي هَذِهِ مِنْ رَأْسِكَ**».

قال أَبُو دَاوُدَ: عَبْدُ اللَّهِ بنُ حَوَالَةَ حِمْصِيٌّ.

[ت38/م36] ـ باب في الرَّجل يَشْري نفسه

2536 ـ حدّثنا مُوسَى بنُ إسْمَاعِيلَ: حدَّثنا حَمَّادٌ: أَنْبأَنَا عَطَاءُ بنُ السَّائِبِ، عن مُرَّةَ الهَمَدَانِيِّ، عن عَبْدِ اللَّهِ بنِ مَسْعُودٍ قال: قالَ رَسُولُ اللَّهِ ﷺ: «**عَجِبَ رَبُّنَا عَزَّ وَجَلَّ مِنْ رَجُلٍ غَزَا في سَبِيلِ اللَّهِ عَزَّ وَجَلَّ فَانْهَزَمَ**» يَعْني أَصْحَابُهُ «**فَعَلِمَ مَا عَلَيْهِ فَرَجَعَ حَتَّى أُهَرِيقَ دَمُهُ، فَيَقُولُ اللَّهُ عَزَّ وَجَلَّ لِمَلاَئِكَتِهِ: انْظُرُوا إلى عَبْدِي رَجَعَ رَغْبَةً فِيمَا عِنْدِي وَشَفَقَةً مِمَّا عِنْدَي حَتَّى أُهَرِيقَ دَمُهُ**».

[ت39/م37] ـ باب فيمن يُسْلِم ويُقْتَل مكانه في سبيل اللَّهِ تعالى

2537 ـ حدّثنا مُوسَى بنُ إسْمَاعِيلَ: حدَّثنا حَمَّادٌ: حدَّثنا مُحَمَّدُ بنُ عَمْرٍو، عن أَبِي سَلَمَةَ، عن أَبِي هُرَيْرَةَ: «أَنَّ عَمْرَو بنَ أُقَيْشٍ كَانَ لَهُ رِباً في الجَاهِلِيَّةِ فَكَرِهَ أَنْ يُسْلِمَ حَتَّى يَأْخُذَهُ فَجاءَ يَوْمَ أُحُدٍ فَقَالَ: أَيْنَ بَنُو عَمِّي؟ قالُوا: بِأُحُدٍ قالَ: أَيْنَ فُلاَنٌ قالُوا: بِأُحُدٍ قالَ: فأَيْنَ فُلاَنٌ قالُوا: بِأُحُدٍ فَلَبِسَ لأْمَتَهُ وَرَكِبَ فَرَسَهُ، ثُمَّ تَوَجَّهَ قِبَلَهُمْ، فَلَمَّا رَآهُ المُسْلِمُونَ قَالُوا: إلَيْكَ عَنَّا يَا عَمْرُو قالَ: إنِّي قَدْ آمَنْتُ. فَقَاتَلَ حَتَّى جُرِحَ فَحُمِلَ إلَى أَهْلِهِ جَرِيحًا فَجَاءَهُ سَعْدُ بنُ مُعَاذٍ فَقَالَ لأُخْتِهِ: سَلِيهِ حَمِيَّةً لِقَوْمِكَ أَوْ غَضَبًا لَهُمْ أَمْ غَضَبًا للَّهِ؟ فَقَالَ بَلْ غَضَبًا للَّهِ وَلِرَسُولِهِ، فَمَاتَ فَدَخَلَ الْجَنَّةَ وَمَا صَلَّى للَّهِ صَلاَةً».

[40] When One Dies With His Weapon

2538- It is narrated on the authority of Salamah Ibn Al-Akwa' that he said: When it was the day of Khaibar my brother (Amir) fought so much fiercely and steadfastly, and his sword returned to him and killed him. Some of the companions of the Messenger of Allah "Allah's blessing and peace be upon him" argued about him with doubt (in his faith): "A man was killed with his weapon." On that the Messenger of Allah "Allah's blessing and peace be upon him" said: "He died as patiently persevering fighter (in the Cause of Allah)." Ibn Shihab said: I asked a son belonging to Salamah Ibn Al-Akwa', who related to me a narration like this, with variation of wording, according to which the Messenger of Allah "Allah's blessing and peace be upon him" said: "They have told a lie. He died as constantly persistent fighter (in the Cause of Allah), and he will receive a double reward."

2539- It is narrated on the authority of Mu'awiyah Ibn Abu Salam from his father (or brother according to Abu Dawud) from his grandfather Abu Salam that he said: We attacked a patch from Juhainah, and a man from amongst the Muslims pursued another from the infidels and when he struck him (with the sword), he failed to get him, and rather wounded himself with the sword. The Messenger of Allah "Allah's blessing and peace be upon him" said: "Look for your brother O assembly of Muslims." They searched for him, and found him dead. On that the Messenger of Allah "Allah's blessing and peace be upon him" wrapped him with his garment, agitated in his blood, and offered the funeral prayer on him and then buried him. The people said: "O Messenger of Allah! Is he a martyr?" the Messenger of Allah "Allah's blessing and peace be upon him" said: "Yes, and I'm witness for his (martyrdom)."

[41] The Supplication On Facing (The Enemies)

2540- It is narrated on the authority of Sahl Ibn Sa'd that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "There are two invocations which ever receive answer: the invocation at the time of Adhan, and the invocation at the time of war, when the fighters come closer and face each other (and the invocation under the rainfall, according to another narration)."

[42] What About Such As Asks Allah To Endow Him With Martyrdom?

2541- It is narrated on the authority of Mu'adh Ibn Jabal that he heard the Messenger of Allah "Allah's blessing and peace be upon him" having

[ت40/م38] ـ باب في الرَّجل يموت بسلاحه

2538 ـ حدّثنا أَحْمَدُ بنُ صَالِحٍ: حدَّثنا عَبْدُ اللَّهِ بنُ وَهْبٍ: أَخْبَرَنِي يُونُسُ، عن ابنِ شِهَابٍ، قال: أَخْبَرَنِي عَبْدُ الرَّحْمٰنِ، وَعَبْدُ اللَّهِ بنُ كَعْبِ بنِ مَالِكٍ ـ قال أَبُو دَاوُدَ: قالَ أَحْمَدُ: كَذَا قالَ هُوَ ـ يَعْني ابنَ وَهْبٍ وَعَنْبَسَةَ ـ، يَعْني ابنَ خَالِدٍ ـ جَمِيعًا، عن يُونُسَ قالَ أَحْمَدُ: وَالصَّوَابُ عَبْدُ الرَّحْمٰنِ بنُ عَبْدِ اللَّهِ: أَنَّ سَلَمَةَ بنَ الأَكْوَعِ قالَ: لَمَّا كَانَ يَوْمُ خَيْبَرَ قَاتَلَ أَخِي قِتَالاً شَدِيدًا فَارْتَدَّ عَلَيْهِ سَيْفُهُ فَقَتَلَهُ، فَقَالَ أَصْحَابُ رَسُولِ اللَّهِ ﷺ في ذَلِكَ وَشَكُّوا فِيهِ: رَجُلٌ مَاتَ بِسِلاَحِهِ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «**مَاتَ جَاهِدًا مُجَاهِدًا**». قالَ ابنُ شِهَابٍ: ثُمَّ سَأَلْتُ ابْنًا لِسَلَمَةَ بنِ الأَكْوَعِ فحدثني عن أَبِيهِ بِمِثْلِ ذَلِكَ، غَيْرَ أَنَّهُ قال: فقال رَسُولُ اللَّهِ ﷺ: «**كَذَبُوا مَاتَ جَاهِدًا مُجَاهِدًا فَلَهُ أَجْرُهُ مَرَّتَيْنِ**».

2539 ـ حدّثنا هِشَامُ بنُ خَالِدٍ الدِّمَشْقِيُّ: حدَّثنا الْوَلِيدُ، عن مُعَاوِيَةَ بنِ أَبي سَلاَّمٍ، عنْ أَبِيهِ، عن جَدِّهِ أَبِي سَلاَّمٍ، عن رَجلٍ مِنْ أَصْحَابِ النَّبيِّ ﷺ قال: أَغَرْنَا عَلَى حَيٍّ مِنْ جُهَيْنَةَ فَطَلَبَ رَجُلٌ مِنَ الْمُسْلِمِينَ رَجُلاً مِنْهُمْ فضَرَبَهُ فَأَخْطَأَهُ وَأَصَابَ نَفْسَهُ بالسَّيْفِ، فقال رَسُولُ اللَّهِ ﷺ: «**أَخُوكُم يَا مَعْشَرَ الْمُسْلِمِينَ**»، فَابْتَدَرَهُ النَّاسُ فَوَجَدُوهُ قَدْ مَاتَ، فَلَفَّهُ رَسُولُ اللَّهِ ﷺ بِثِيَابِهِ وَدِمَائِهِ وَصَلَّى عَلَيْهِ وَدَفَنَهُ، فَقَالُوا: يا رَسُولَ اللَّهِ أَشَهِيدٌ هُوَ؟ قال: «**نَعَمْ وَأَنَا لَهُ شَهِيدٌ**».

قال أَبو داود: إنما هو معاوية، عن أَخيه، عن جده. قال: وهو معاوية بْنُ سلام بن أَبي سلام.

[ت41/م39] ـ باب الدعاء عند اللقاء

2540 ـ حدّثنا الْحَسَنُ بنُ عَلِيٍّ: حدَّثنا ابنُ أَبي مَرْيَمَ: حدَّثنا مُوسَى بنُ يَعْقُوبَ الزَّمْعِيُّ، عن أَبي حَازِمٍ، عن سَهْلِ بنِ سَعْدٍ قال: قال رَسُولُ اللَّهِ ﷺ: «**ثِنْتَانِ لا تُرَدَّانِ أَوْ قَلَّ مَا تُرَدَّانِ: الدُّعَاءُ عِنْدَ النِّدَاءِ وَعِنْدَ الْبَأْسِ حِينَ يُلْحِمُ بَعْضُهُ بَعْضًا**».

قال مُوسَى: وَحَدَّثني رِزْقُ بنُ سَعِيدِ بنِ عَبْدِ الرَّحْمٰنِ، عن أَبي حَازِمٍ، عن سَهْلِ بنِ سَعْدٍ عن النَّبيِّ ﷺ قال: «**ووقت الْمَطَرِ**».

[ت42/م40] ـ باب فيمن سأل اللَّهَ الشهادة

2541 ـ حدّثنا هِشَامُ بنُ خَالِدٍ، أَبُو مَرْوَانَ، وَابنُ الْمُصَفَّى، قالاَ: حدَّثنا بَقِيَّةُ، عن ابنِ ثَوْبَانَ، عن أَبِيهِ يَرُدُّ إلى مَكْحُولٍ إلى مَالِكِ بنِ يُخَامِرَ أَنَّ مُعَاذَ بنَ جَبَلٍ حَدَّثَهُمْ

said: "He, who fights in the Cause of Allah (and his role is even as trivial as a small quantity of milk that is) between two milkings of a she-camel, the Garden is assured to him; and he who asks Allah to endow him with martyrdom, sincerely and truthfully, he will receive the reward of a martyr, whether he dies (on his bed) or is killed (in war); and he, who is wounded or given to distress in the Cause of Allah, on the Day of Judgement, it will come with the most abundance it has ever been, having the colour of saffron, and the smell of musk; and he, who is affected by sores in his body in the Cause of Allah, he will then be stamped with the stamp of martyrs."

[43] It Is Undesirable To Cut Off The Forelocks Of Horses

2542- It is narrated on the authority of Utbah Ibn Abd As-Sulami that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "Do not cut off the forelocks, the hair of the necks and the tails of horses, for the tails are their defensive instrument, the hair of the necks save warmth for them, and the goodness is tied in the forelocks of horses."

[44] Which Colours Are Desirable In Horses

2543- It is narrated on the authority of Abu Wahb Al-Jushmi, and he was a companion of the Prophet, that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "I advise you to keep the horse of red complexion, white forehead, and white legs, or the horse of bold complexion, white forehead and legs, or the horse of very dark complexion, white forehead and legs."

2544- It is narrated on the authority of Abu Wahb that he said: the Messenger of Allah "Allah's blessing and peace be upon him" said: "I advise you to get the horse of bold complexion, white forehead and legs, or the horse of red complexion, white forehead, and white legs..." and the rest is the same. Muhammad Ibn Muhajir said: Why did he give favour to the bald one? He said: Because the Messenger of Allah "Allah's blessing and peace be upon him" sent a military expedition, and the first one who brought (the glad tidings of the) conquest was of a bold horse.

[...] The Good Omen Of Horses

2545- It is narrated on the authority of Ibn Abbas that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "The good omen of horses lies in the bold among them."

أَنَّهُ سَمِعَ رَسُولَ اللَّهِ ﷺ يَقُولُ: «**مَنْ قَاتَلَ فِي سَبِيلِ اللَّهِ فُوَاقَ نَاقَةٍ فَقَدْ وَجَبَتْ لَهُ الْجَنَّةُ، وَمَنْ سَأَلَ اللَّهَ الْقَتْلَ مِنْ نَفْسِهِ صَادِقًا ثُمَّ مَاتَ أَوْ قُتِلَ فإِنَّ لَهُ أَجْرُ شَهِيدٍ**» زَادَ ابنُ المُصَفَّى مِنْ هُنَا: «**وَمَنْ جُرِحَ جُرْحًا فِي سَبِيلِ اللَّهِ، أَوْ نُكِبَ نَكْبَةً، فإِنَّهَا تَجِيءُ يَوْمَ الْقِيَامَةِ كَأَغْزَرِ مَا كَانَتْ، لَوْنُهَا لَوْنُ الزَّعْفَرَانِ وَرِيحُهَا رِيحُ الْمِسْكِ، وَمَنْ خَرَجَ بِهِ خُرَاجٌ فِي سَبِيلِ اللَّهِ عَزَّ وَجَلَّ فإِنَّ عَلَيْهِ طَابَعُ الشُّهَدَاءِ**».

[ت43/م41] ـ باب في كَرَاهية جَزِّ نواصي الخيل وأذنابها

2542 ـ حدّثنا أَبُو تَوْبَةَ، عن الْهَيْثَمِ بنِ حُمَيْدٍ. (ح) وحدَّثنا خُشَيْشُ بنُ أَصْرَمَ: حدَّثنا أَبُو عَاصِمٍ جَمِيعًا، عن ثَوْرِ بنِ يَزِيدَ، عن نَصْرٍ الْكِنَانِيِّ، عن رَجُلٍ، وَقال أَبُو تَوْبَةَ: عن ثَوْرِ بنِ يَزِيدَ، عن شَيْخٍ مِنْ بَنِي سُلَيْمٍ، عن عُتْبَةَ بنِ عَبْدٍ السُّلَمِيِّ وَهَذَا لَفظُهُ: أَنَّهُ سَمِعَ رَسُولَ اللَّهِ ﷺ يقولُ: «**لا تَقُصُّوا نَوَاصِيَ الْخَيْلِ وَلاَ مَعَارِفَهَا وَلاَ أَذْنَابَهَا، فإِنَّ أَذْنَابَهَا مَذَابُّها، وَمَعَارِفَهَا دِفَاؤُهَا، وَنواصِيَهَا مَعْقُودٌ فِيهَا الْخَيْرُ**».

[ت44/م42] ـ باب فيما يُسْتَحَب من أَلوان الخيل

2543 ـ حدّثنا هَارُونُ بنُ عَبْدِ اللَّهِ: حدَّثنا هِشَامُ بنُ سَعِيدٍ الطَّالَقَانِيُّ، أَخْبرنا مُحَمَّدُ بنُ المُهَاجِرِ الأَنْصَارِيُّ: حَدَّثني عَقِيلُ بنُ شَبِيبٍ، عن أَبي وَهْبٍ الْجُشَمِيِّ وكَانَتْ لَهُ صُحْبَةٌ، قال: قال رَسُولُ اللَّهِ ﷺ: «**عَلَيْكُم بِكُلِّ كُمَيْتٍ أَغَرَّ مُحَجَّلٍ أَوْ أَشْقَرَ أَغَرَّ مُحَجَّلٍ أَوْ أَدْهَمَ أَغَرَّ مُحَجَّلٍ**».

2544 ـ حدّثنا مُحَمَّدُ بنُ عَوْفٍ الطَّائِيُّ: حدَّثنا أَبُو المُغِيرَةِ: حدَّثنا مُحَمَّدُ بنُ مُهَاجِرٍ: حدَّثنا عَقِيلُ بنُ شَبِيبٍ، عن أَبي وَهْبٍ قال: قال رَسُولُ اللَّهِ ﷺ: «**عَلَيْكُم بِكُلِّ أَشْقَرَ أَغَرَّ مُحَجَّلٍ أَوْ كُمَيْتٍ أَغَرَّ**» فَذَكَرَ نَحْوَهُ، قال مُحَمَّدٌ ـ يَعْنِي ابنَ مُهَاجِرٍ ـ: وَسَأَلْتُهُ لِمَ فَضَلَ الأَشْقَرَ؟ قال: لأَنَّ النَّبِيَّ ﷺ بَعَثَ سَرِيَّةً فَكَانَ أَوَّلَ مَنْ جَاءَ بالفَتْحِ صَاحِبُ أَشْقَرَ.

[ت.../م...] ـ باب مَيَامِنِ الْخَيْلِ

2545 ـ حدّثنا يَحْيَى بنُ مَعِينٍ: حدَّثنا حُسَيْنُ بنُ مُحَمَّدٍ، عن شَيْبَانَ، عن عِيسَى بنِ عَلِيٍّ، عن أَبِيهِ، عن جَدِّهِ ابنِ عَبَّاسٍ قال: قال رَسُولُ اللَّهِ ﷺ: «**يُمْنُ الْخَيْلِ فِي شُقْرِهَا**».

[45] Should The Female-Horse Be Called Mare?

2546- It is narrated on the authority of Abu Hurairah that the Messenger of Allah "Allah's blessing and peace be upon him" used to give the name of mare to the female-horse.

[46] Which Thing Is Undesirable In Horses?

2547- It is narrated on the authority of Abu Hurairah that the Messenger of Allah "Allah's blessing and peace be upon him" used to dislike the colour-differing horses (which had whiteness in both the right leg and left arm, or in both the left leg and the right arm).

[47] Taking Care Of Beasts And Animals

2548- It is narrated on the authority of Sahl Ibn Al-Hanzaliyyah that he said: The Messenger of Allah "Allah's blessing and peace be upon him" came upon a camel whose back (was about to) get stuck to its abdomen (on account of the severe hunger), thereupon the Messenger of Allah "Allah's blessing and peace be upon him" said: "Fear Allah (and take care) of those mute animals! Ride them when they are fitting for riding, and (slaughter and) eat them when they are fitting for that."

2549- It is narrated on the authority of Abdullah Ibn Ja'far that he said: the Messenger of Allah "Allah's blessing and peace be upon him" made me ride behind him on a camel, and told me something in secrecy, which he had never told anyone else, and whenever the Messenger of Allah "Allah's blessing and peace be upon him" intended to answer the call of nature, he liked most to screen himself behind a wall or an enclosed cluster of date-palms. He entered an enclosed cluster of date-palms belonging to a man from the Ansar, and behold! There was a camel there. When it saw the Messenger of Allah "Allah's blessing and peace be upon him", it bowed down, and its eyes shed tears. The Messenger of Allah "Allah's blessing and peace be upon him" went to it, and passed his hand over the back of its head, thereupon it calmed down. The Messenger of Allah "Allah's blessing and peace be upon him" asked: "Who is the lord of this camel? To whom does this camel belong?" a young man belonging to the Ansar came and said: "It is mine O Messenger of Allah." The Messenger of Allah "Allah's blessing and peace be upon him" said: "Do you not fear Allah (and take care) of this beast which Allah put in your possession? It complained to me that you always pain and beat it, and put it to trouble."

2550- It is narrated on the authority of Abu Hurairah: Allah's Apostle "Allah's blessing and peace be upon him" said: "While a man was walking he felt thirsty and went down a well from which he drank water. On coming

[ت45/م...] ـ باب هل تُسمَّى الأُنثى من الخيل فرسًا؟

2546 ـ حدّثنا مُوسَى بنُ مَرْوَانَ الرَّقِّيُّ: حدَّثنا مَرْوَانُ بنُ مُعَاوِيَةَ، عن أبي حَيَّانَ التَّيْمِيِّ: حدَّثنا أَبُو زُرْعَةَ، عن أَبي هُرَيْرَةَ: «أَنَّ رَسُولَ اللَّهِ ﷺ كَانَ يُسَمِّي الأُنْثَى مِنَ الْخَيْلِ فَرَسًا».

[ت46/م43] ـ باب ما يُكْره من الخيل

2547 ـ حدّثنا مُحَمَّدُ بنُ كَثِيرٍ: أخبرنا سُفْيَانُ، عن سَلْمٍ ـ هُوَ ابنُ عَبْدِ الرَّحْمٰنِ ـ، عن أَبي زُرْعَةَ، عن أبي هُرَيْرَةَ قال: «كَانَ النَّبيُّ ﷺ يَكْرَهُ الشِّكَالَ مِنَ الْخَيْلِ» وَالشِّكَالُ يَكُونُ الْفَرَسُ في رِجلِهِ الْيُمْنَى بَيَاضٌ وَفي يَدِهِ الْيُسْرَى بَيَاضٌ، أَوْ في يَدِهِ الْيُمْنَى وَفي رِجلهِ الْيُسْرَى.

قال أَبُو دَاوُدَ: أَيْ مُخَالِفٌ.

[ت47/م44] ـ باب ما يُؤْمَر به من القيام على الدَّوابِّ والبهائم

2548 ـ حدّثنا عَبْدُ اللَّهِ بنُ مُحَمَّدٍ النُّفَيْلِيُّ: حدَّثنا مِسْكِينٌ ـ يَعْني ابنَ بُكَيْرٍ ـ: حدَّثنا مُحَمَّدُ بنُ مُهَاجِرٍ، عن رَبِيعَةَ بنِ يَزِيدَ، عن أَبي كَبْشَةَ السَّلوليِّ، عن سَهْلِ ابْنِ الْحَنْظَلِيَّةِ قال: مَرَّ رَسُولُ اللَّهِ ﷺ بِبَعِيرٍ قَدْ لَحِقَ ظَهْرُهُ بِبَطْنِهِ قالَ: **«اتَّقُوا اللَّهَ في هَذِهِ الْبَهَائِمِ الْمُعْجَمَةِ فَارْكَبُوهَا صَالِحَةً وَكُلُوهَا صَالِحَةً»**.

2549 ـ حدّثنا مُوسَى بنُ إسْمَاعِيلَ: حدَّثنا مَهْدِيٌّ: حدَّثنا ابنُ أَبي يَعْقُوبَ، عن الْحَسَنِ بنِ سَعْدٍ مَوْلَى الْحَسَنِ بنِ عَلِيٍّ، عن عَبْدِ اللَّهِ بنِ جَعْفَرٍ قالَ: أَرْدَفَنِي رَسُولُ اللَّهِ ﷺ خَلْفَهُ ذَاتَ يَوْمٍ فَأَسَرَّ إِلَيَّ حَدِيثًا لاَ أُحَدِّثُ بِهِ أَحَدًا مِنَ النَّاسِ، وَكَانَ أَحَبُّ مَا اسْتَتَرَ بِهِ رَسُولُ اللَّهِ ﷺ لِحَاجَتِهِ هَدَفًا أَوْ حَائِشَ نَخْلٍ. قالَ: فَدَخَلَ حَائِطًا لِرَجُلٍ مِنَ الأَنْصَارِ، فَإِذَا جَمَلٌ، فَلَمَّا رَأَى النَّبيَّ ﷺ حَنَّ وَذَرَفَتْ عَيْنَاهُ، فَأَتَاهُ النَّبيُّ ﷺ فَمَسَحَ ذِفْرَاهُ فَسَكَتَ، فَقَالَ: **«مَنْ رَبُّ هَذَا الْجَمَلِ؟ لِمَنْ هَذَا الْجَمَلُ؟»** فَجَاءَ فَتًى مِنَ الأَنْصَارِ فَقالَ: لِي يَا رَسُولَ اللَّهِ، قالَ: **«أَفَلاَ تَتَّقِي اللَّهَ في هَذِهِ الْبَهِيمَةِ التي مَلَّكَكَ اللَّهِ إِيَّاهَا، فإنَّهُ شَكَا إِلَيَّ أَنَّكَ تُجِيعُهُ وَتُدْئِبُهُ»**.

2550 ـ حدّثنا عَبْدُ اللَّهِ بنُ مَسْلَمَةَ الْقَعْنَبِيُّ، عن مَالِكٍ، عن سُمَيٍّ مَوْلَى أَبي بَكْرٍ، عن أَبي صَالِحٍ السَّمانِ، عن أَبي هُرَيْرَةَ أَنَّ رَسُولَ اللَّهِ ﷺ قالَ: **«بَيْنَمَا رَجُلٌ يَمْشِي بِطَرِيقٍ، فَاشْتَدَّ عَلَيْهِ الْعَطَشُ فَوَجَدَ بِئْرًا فَنَزَلَ فِيهَا فَشَرِبَ ثُمَّ خَرَجَ، فَإِذَا كَلْبٌ**

out of it, he saw a dog panting and eating mud because of excessive thirst. The man said: "This (dog) is suffering from the same problem as that of mine." So he (after going down the well) filled his shoe with water, caught hold of it with his teeth and climbed up and watered the dog. Allah thanked him for his (good) deed and forgave him." The people asked: "O Allah's Apostle! Is there a reward for us in serving animals?" He replied: "Yes, there is a reward for serving any (breathing) being, having a wet liver."

[48] Halting At The Resting Places

2551- It is narrated on the authority of Anas Ibn Malik that he said: Whenever we descended at a resting place, we would not start glorifying Allah before unpacking the luggage.

[49] What About Strings And Bands Round The Necks Of Horses?

2552- It is narrated on the authority of Abu Bashir Al-Ansari that he was in the company of Allah's Apostle "Allah's blessing and peace be upon him" on journey, when he sent a messenger to the people, who were in their sleeping places, with the public announcement to remove whatever bands and collars were in the necks of camels. Malik said: I think this was to get rid of the (evil effect of the) eye.

[50] Dealing With Horses Kindly

2553- It is narrated on the authority of Abu Wahb Al-Jushmi, and he was a companion of the Prophet, that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "Tie the horses, and pass your hands over their forelocks and the lower portion of their backs (out of kindness and gentility towards them), and do not tie strings round their necks."

[51] Hanging Bells

2554- It is narrated on the authority of Abu Al-Jarrah, the freed slave of Umm Habibah that the Messenger of Allah "Allah's blessing and peace be upon him" said: "The angels never are in the company of a group having a bell hung with them."

2555- It is narrated on the authority of Abu Hurairah that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "The angels never are in the company of a group having a dog or a bell hung with them."

2556- It is narrated on the authority of Abu Hurairah that the Messenger of Allah "Allah's blessing and peace be upon him" said pertaining to the bell: "It is the musical string of Satan."

يَلْهَثُ يَأْكُلُ الثَّرَى مِنَ الْعَطَشِ، فَقَالَ الرَّجُلُ: لَقَدْ بَلَغَ هَذَا الْكَلْبُ مِنَ الْعَطَشِ مِثْلَ الَّذِي كَانَ بَلَغَنِي، فَنَزَلَ الْبِئْرَ وَمَلأَ خُفَّهُ ماءً فَأَمْسَكَهُ بِفِيهِ حَتَّى رَقِيَ فَسَقَى الْكَلْبَ فَشَكَرَ اللَّهُ لَهُ فَغَفَرَ لَهُ» قالُوا: يَا رَسُولَ اللَّهِ وَإِنَّ لَنَا في الْبَهَائِمِ لأَجْرًا؟ قالَ: «**في كُلِّ ذَاتِ كَبِدٍ رَطْبَةٍ أَجْرٌ**».

[ت48/م...] ـ باب في نُزول المَنَازِل

2551 ـ حدَّثنا مُحَمَّدُ بنُ المُثَنَّى، قال: حدَّثني مُحَمَّدُ بنُ جَعْفَرٍ: حدَّثنا شُعْبَةُ، عن حَمْزَةَ الضَّبِّيِّ قال: سَمِعْتُ أَنَسَ بنَ مَالِكٍ قال: «كُنَّا إِذَا نَزَلْنَا مَنْزِلاً لا نُسَبِّحُ حتى نَحِلَّ الرِّحَالَ».

[ت49/م45] ـ باب في تقليد الخيل بالأَوتار

2552 ـ حدَّثنا عَبْدُ اللَّهِ بنُ مَسْلَمَةَ الْقَعْنَبِيُّ، عن مَالِكٍ، عن عَبْدِ اللَّهِ بنِ أَبي بَكْرِ بنِ مُحَمَّدِ بنِ عَمْرِو بنِ حَزْمٍ، عن عَبَّادِ بنِ تَمِيمٍ: أَنَّ أَبَا بَشِيرٍ الأَنْصَارِيَّ أَخْبَرَهُ أَنَّهُ كَانَ مَعَ رَسُولِ اللَّهِ ﷺ في بَعْضِ أَسْفَارِهِ قال: فَأَرْسَلَ رَسُولُ اللَّهِ ﷺ رَسُولاً، قال عَبْدُ اللَّهِ بنُ أَبي بَكْرٍ: حَسِبْتُ أَنَّهُ قالَ وَالنَّاسُ في مَبِيتِهِمْ: «**لا يَبْقَيَنَّ في رَقَبَةِ بَعِيرٍ قِلادَةٌ مِنْ وَتَرٍ وَلاَ قِلادَةٌ إِلاَّ قُطِعَتْ**».

قالَ مَالِكٌ: أُرَى أَنَّ ذَلِكَ مِنْ أَجْلِ الْعَيْنِ.

[ت50/م...] ـ باب إكرام الخيل وارتباطها والمسح على أكفالها

2553 ـ حدَّثنا هَارُونُ بنُ عَبْدِ اللَّهِ: حدَّثنا هِشَامُ بنُ سَعِيدٍ الطَّالِقَانِيُّ: أخبرنا مُحَمَّدُ بنُ المُهَاجِرِ، قال: حدَّثني عَقِيلُ بنُ شَبِيبٍ، عن أَبي وَهْبٍ الْجُشَمِيِّ وَكَانَتْ لَهُ صُحْبَةٌ قال: قال رَسُولُ اللَّهِ ﷺ: «**ارْتَبِطُوا الْخَيْلَ وَامْسَحُوا بِنَوَاصِيهَا وَأَعْجَازِهَا**» أَوْ قال: «**أَكْفَالِهَا وَقَلِّدُوهَا وَلاَ تُقَلِّدُوهَا الأَوْتَارَ**».

[ت51/م46] ـ باب في تعليق الأَجراس

2554 ـ حدَّثنا مُسَدَّدٌ: حدَّثنا يَحْيَى، عن عُبَيْدِ اللَّهِ، عن نَافِعٍ، عن سَالِمٍ، عن أَبي الْجَرَّاحِ مَوْلَى أُمِّ حَبِيبَةَ، عن أُمِّ حَبِيبَةَ عن النَّبِيِّ ﷺ قال: «**لاَ تَصْحَبُ المَلاَئِكَةُ رُفْقَةً فِيهَا جَرَسٌ**».

2555 ـ حدَّثنا أَحْمَدُ بنُ يُونُسَ: حدَّثنا زُهَيْرٌ: حدَّثنا سُهَيْلُ بنُ أَبي صَالِحٍ، عن أَبِيهِ، عن أَبي هُرَيْرَةَ قال: قال رَسُولُ اللَّهِ ﷺ: «**لاَ تَصْحَبُ المَلاَئِكَةُ رُفْقَةً فِيهَا كَلْبٌ أَوْ جَرَسٌ**».

2556 ـ حدَّثنا مُحَمَّدُ بنُ رَافِعٍ: حدَّثنا أَبُو بَكْرِ بنِ أَبي أُوَيْسٍ، قال: حدَّثني سُلَيْمَانُ بنُ بِلاَلٍ، عن الْعَلاَءِ بنِ عَبْدِ الرَّحْمٰنِ، عن أَبِيهِ، عن أَبي هُرَيْرَةَ أَنَّ النَّبِيَّ ﷺ قال في الْجَرَسِ: «**مِزْمَارُ الشَّيْطَانِ**».

[52] It Is Forbidden To Ride Such Of Camels As Pick Up Dung

2557- It is narrated on the authority of Ibn Umar that he said: It is forbidden to ride such of camels as pick up dung.

2558- It is narrated on the authority of Ibn Umar that he said: The Messenger of Allah "Allah's blessing and peace be upon him" forbade riding such of camels as pick up dung.

[53] Giving Name To One's Animal

2559- It is narrated on the authority of Mu'adh that he said: I was riding behind the Messenger of Allah "Allah's blessing and peace be upon him" on a donkey called Ufair.

[54] Making A Public Call On Going Forth (For War): "O Horsemen Of Allah! Ride (Your Horses)!"

2560- It is narrated on the authority of Samurah Ibn Jundub that he said: "To go further: No doubt, the Messenger of Allah "Allah's blessing and peace be upon him" gave our horsemen the name of Allah's Horsemen, whenever we were prompted (to go forth); and whenever we were prompted (to go forth), and were engaged in fighting, the Messenger of Allah "Allah's blessing and peace be upon him" used to order us to stick to the group, and adhere to firm patience and tranquility.

[55] It Is Forbidden To Curse A Beast

2561- It is narrated on the authority of Imran Ibn Husain that once, the Messenger of Allah "Allah's blessing and peace be upon him" was on journey when he heard a curse, thereupon he asked: "What is that?" it was said: "This is such and such a woman, who has cursed her riding mount." On that he said: "Then, keep away from it, since she became cursed." They kept away from it. Imran said: As if I'm looking at it, a brown faint she-camel.

[56] Instigating Animals Against Each Other

2562- It is narrated on the authority of Ibn Abbas that he said: The Messenger of Allah "Allah's blessing and peace be upon him" forbade instigating animals against each other.

[57] Branding The Animals

2563- It is narrated on the authority of Anas Ibn Malik that he said: I came to the Messenger of Allah "Allah's blessing and peace be upon him" with a brother of mine once he was born in order to put his (the Prophet's)

[ت52/م47] ـ باب في ركوب الجلالة

2557 ـ حدّثنا مُسَدَّدٌ: حدَّثنا عَبْدُ الْوَارِثِ، عن أَيُّوبَ، عن نَافِعٍ، عن ابنِ عُمَرَ قال: «نُهِيَ عن رُكُوبِ الْجَلاَّلَةِ».

2558 ـ حدّثنا أَحْمَدُ بنُ أَبِي سُرَيْجٍ الرَّازِيُّ: أخبرني عَبْدُ اللَّهِ بنُ الْجَهْمِ: حدَّثنا عَمْرٌو ـ يَعْنِي ابنَ أَبِي قَيْسٍ ـ، عن أَيُّوبَ السَّخْتِيَانِيِّ، عن نَافِعٍ، عن ابنِ عُمَرَ قال: «نَهَى رَسُولُ اللَّهِ ﷺ عنْ الْجَلاَّلَةِ في الإبِلِ أَنْ يُرْكَبَ عَلَيْهَا».

[ت53/م48] ـ باب في الرَّجُل يُسمّي دابته

2559 ـ حدّثنا هَنَّادُ بنُ السَّرِيِّ، عن أَبِي الأَحْوَصِ، عن أَبِي إِسْحَاقَ، عنْ عَمْرِو بنِ مَيْمُونٍ، عن مُعَاذٍ قال: «كُنْتُ رِدْفَ النَّبِيِّ ﷺ عَلَى حِمَارٍ يُقَالُ لَهُ عُفَيْرٌ».

[ت54/م49] ـ باب في النداء عند النفير: يا خيل اللّهِ اركبي

2560 ـ حدّثنا مُحَمَّدُ بنُ دَاوُدَ بنِ سُفْيَانَ، قال: حدثني يَحْيَى بنُ حَسَّانٍ: أخبرنا سُلَيْمَانُ بْنُ مُوسَى أَبُو دَاوُدَ: حدَّثنا جَعْفَرُ بنُ سَعْدِ بنِ سَمُرَةَ بنِ جُنْدَبٍ: حدثني خُبَيْبُ بنُ سُلَيْمَانَ، عن أَبِيهِ سُلَيْمَانَ بنِ سَمُرَةَ، عنْ سَمُرَةَ بنِ جُنْدَبٍ: «أَمَّا بَعْدُ، فَإِنَّ النَّبِيَّ ﷺ سَمَّى خَيْلَنَا خَيْلَ اللَّهِ إذَا فَزِعْنَا، وَكَانَ رَسُولُ اللَّهِ ﷺ يَأْمُرُنَا إذَا فَزِعْنَا بالْجَمَاعَةِ وَالصَّبْرِ والسَّكِينَةِ وإذَا قَاتَلْنَا».

[ت55/م50] ـ باب النَّهي عن لعْنِ البهيمة

2561 ـ حدّثنا سُلَيْمَانُ بنُ حَرْبٍ: حدَّثنا حَمَّادٌ، عن أَيُّوبَ، عن أَبِي قِلاَبَةَ، عن أَبِي الْمُهَلَّبِ، عن عِمْرَانَ بنِ حُصَيْنٍ: «أَنَّ النَّبِيَّ ﷺ كَانَ في سَفَرٍ فَسَمِعَ لَعْنَةً فقال: «**مَا هَذِهِ؟**» قالُوا: هَذِهِ فُلاَنَةُ لَعَنَتْ رَاحِلَتَهَا، فقال النَّبِيُّ ﷺ: «**ضَعُوا عَنْهَا فإِنَّهَا مَلْعُونَةٌ**»، فَوَضَعُوا عَنْهَا. قال عِمْرَانُ: فَكَأَنِّي أَنْظُرُ إلَيْهَا نَاقَةً وَرْقَاءَ».

[ت56/م51] ـ باب في التحريش بين البهائم

2562 ـ حدّثنا مُحَمَّدُ بنُ الْعَلاَءِ: أَخبرنا يَحْيَى بنُ آدَمَ، عن قُطْبَةَ بنِ عَبْدِ العَزِيزِ بنِ سِيَاهٍ، عن الأَعمَشِ، عن أَبِي يَحْيَى الْقَتَّاتِ، عن مُجَاهِدٍ، عن ابنِ عَبَّاسٍ قال: «نَهَى رَسُولُ اللَّهِ ﷺ عن التَّحْرِيشِ بَيْنَ الْبَهَائِمِ».

[ت57/م52] ـ باب في وَسْمِ الدَّواب

2563 ـ حدّثنا حَفْصُ بنُ عُمَرَ: حدَّثنا شُعْبَةُ، عن هِشَامِ بنِ زَيْدٍ، عن أَنَسِ بنِ مالك قال: «أَتَيْتُ النَّبيَّ ﷺ بِأَخٍ لِي حِينَ وُلِدَ لِيُحَنِّكَهُ فإذَا هُوَ في مِرْبَدٍ يَسِمُ غَنَمًا،

saliva mixed with a chewed date into his (the babe's) mouth, and I found him in the lying place of animals, branding sheep in their ears.

[58] It Is Forbidden To Brand And Slap The Animals In The Face

2564- It is narrated on the authority of Jabir that (one riding) a donkey, which was branded in its face, passed by the Messenger of Allah "Allah's blessing and peace be upon him", thereupon he said: "Have you been reported that I have cursed such as brands or slaps an animal in its face?" he forbade that (decisively).

[59] It Is Undesirable To Have Donkeys Copulate With Horses

2565- It is narrated on the authority of Ali Ibn Abu Talib that he said: A mule was presented to the Messenger of Allah "Allah's blessing and peace be upon him", and he rode it, thereupon Ali Ibn Abu Talib said: "If we have the donkeys copulate with horses, we will have (resulting animals) like that (mule)." On that the Messenger of Allah "Allah's blessing and peace be upon him" said: "Such as do so have no knowledge."

[60] When Three Men Ride A Beast

2566- It is narrated on the authority of Abdullah Ibn Ja'far that he said: Whenever the Messenger of Allah "Allah's blessing and peace be upon him" returned from journey, he would be received by us, and whoever among us received him first, he would make him ride in front of him. Once, he was received by me, and carried me in front of him, and then he was received by Hasan or Husain, whom he made ride behind him. In that very state, we entered Medina (i.e. we three were riding the she-camel).

[61] Standing Over The Beast

2567- It is narrated on the authority of Abu Hurairah that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "Beware of taking the beasts as pulpits (by standing over them): Indeed, Allah Almighty has subjugated them to you to convey you to those places, without which you could hardly be able to reach; and He has made the land for you to fulfill your need over it."

[62] These Which Should Be Avoided

2568- It is narrated on the authority of Abu Hurairah that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "There will be camels for devils and dwelling places for devils too: as to the camels of devils, I have seen them: anyone of you might set out with camels which he has well-fed until they have become fat, and he would

أَحْسبُهُ قال: في آذَانِهَا».

[ت58/م...] ـ باب النَّهي عن الوسم في الوجه والضرب في الوجه

2564 ـ حدّثنا مُحَمَّدُ بنُ كَثيرٍ، قال: أخبرنا سُفْيَانُ، عن أبي الزُّبَيْرِ، عن جَابِرٍ: أَنَّ النَّبيَّ ﷺ مُرَّ عَلَيْهِ بِحِمَارٍ قَدْ وُسِمَ في وَجْهِهِ فقال: **أَمَا بَلَغَكُمْ أَنِّي قد لَعَنْتُ مَنْ وَسَمَ الْبَهِيمَةَ في وَجْهِهَا أَوْ ضَرَبَهَا في وَجْهِهَا؟**»، فَنَهَى عن ذَلِكَ.

[ت59/م53] ـ باب في كراهية الحُمُر تُنْزَى على الخيل

2565 ـ حدّثنا قُتَيْبَةُ بنُ سَعِيدٍ: حدَّثنا اللَّيْثُ، عن يَزِيدَ بنِ حَبِيبٍ، عن أبي الْخَيْرِ، عن ابنِ زُرَيْرٍ، عن عَلِيِّ بنِ أبي طَالِبٍ رضي اللَّهِ عنه قال: أُهْدِيَتْ لِرَسُولِ اللَّهِ ﷺ بَغْلَةٌ فَرَكِبَهَا، فقال عَلِيٌّ: لَوْ حَمَلْنَا الْحَمِيرَ عَلَى الْخَيْلِ فَكَانَتْ لَنَا مِثْلُ هَذِهِ؟ قال رَسُولُ اللَّهِ ﷺ: «**إِنَّمَا يَفْعَلُ ذَلِكَ الَّذِينَ لاَ يَعْلَمُونَ**».

[ت60/م54] ـ باب في رُكُوب ثلاثةٍ على دابة

2566 ـ حدّثنا أَبُو صَالِحٍ مَحْبُوبُ بنُ مُوسَى، قال: أخبرنا أَبُو إِسْحَاقَ الْفَزَارِيُّ، عن عَاصِمِ بنِ سُلَيْمَانَ، عن مُوَرِّقٍ ـ يَعْني الْعِجْلِيَّ ـ، حدَّثني عَبْدُ اللَّهِ بنُ جَعْفَرٍ قال: «كَانَ النَّبِيُّ ﷺ إِذا قَدِمَ مِنْ سَفَرٍ اسْتُقْبِلَ بِنَا فَأَيُّنَا اسْتُقْبِلَ أَوَّلاً جَعَلَهُ أَمامَهُ فَاسْتُقْبِلَ بِي فَحَمَلَنِي أَمامَهُ، ثُمَّ اسْتُقْبِلَ بِحَسَنٍ أَوْ حُسَيْنٍ فَجَعَلَهُ خَلْفَهُ فَدَخَلْنَا الْمَدِينَةَ وَإِنَّا لَكَذَلِكَ».

[ت61/م55] ـ باب في الوقوف على الدَّابة

2567 ـ حدّثنا عَبْدُ الْوَهَّابِ بنُ نَجْدَةَ: حدَّثنا ابنُ عَيَّاشٍ، عن يَحْيَى بنِ أَبي عَمْرٍو السَّيْبَانِيِّ، عن أَبي مَرْيَمَ، عن أَبي هُرَيْرَةَ، عن النَّبيِّ ﷺ قال: «**إِيَّاكُمْ أَنْ تَتَّخِذُوا ظُهُورَ دَوَابِّكُمْ مَنَابِرَ، فإِنَّ اللَّهَ إِنَّمَا سَخَّرَهَا لَكُم لِتُبَلِّغَكُم إلى بَلَدٍ لَمْ تَكُونُوا بالِغِيهِ إلاَّ بِشِقِّ الأَنْفُسِ، وَجَعَلَ لَكُمُ الأَرْضَ، فَعَلَيْهَا فاقْضُوا حَاجَاتِكُم**».

[ت62/م56] ـ باب في الجنائب

2568 ـ حدّثنا مُحَمَّدُ بنُ رَافِعٍ: حدَّثنا ابنُ أَبي فُدَيْكٍ: حدَّثني عَبْدُ اللَّهِ بنُ أَبي يَحْيَى، عن سَعِيدِ بنِ أَبي هِنْدٍ قال: قال أَبُو هُرَيْرَةَ: قال رَسُولُ اللَّهِ ﷺ: «**تَكُونُ إِبِلٌ لِلشَّيَاطِينِ، وَبُيُوتٌ لِلشَّيَاطِينِ، فَأَمَّا إِبِلُ الشَّيَاطِينِ، فَقَدْ رَأَيْتُها يَخْرُجُ أَحَدُكُم بِجَنِيبَاتٍ مَعَهُ قَدْ أَسْمَنَهَا فَلاَ يَعْلُو بَعِيرًا مِنها وَيَمُرُّ بِأَخِيهِ قَدِ انْقَطَعَ بِهِ فَلاَ يَحْمِلُهُ، وَأَمَّا بُيُوتُ**

never ride over the back of any of them and come upon a brother of him in solitude (having no means of conveyance to transport him), and carry him (on his mount). As for the dwelling places of devils, I've never seen them." Sa'id said: I do not think but they are those cages which the people cover with heavy brocade.

[63] Proceeding Fast, And The Undesirability To Halt On The Main Road To Spend The Night

2569- It is narrated on the authority of Abu Hurairah that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "When you set out on journey through a fertile land, give camels their due right; and when you travel through a barren land, be hasty in your marsh, and if you intend to halt to spend the night, keep yourselves away from the main road."

2570- It is narrated on the authority of Jabir Ibn Abdullah from the Messenger of Allah "Allah's blessing and peace be upon him" that he said the same, with a slight variation of wording.

[64] Proceeding On At The First Portion Of The Night

2571- It is narrated on the authority of Anas that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "I advise you to proceed on (your journey) at the first portion of the night, since the long distance is much easier to be covered at night."

[65] The Lord Of A Beast Has More Claim To Be On Its Front Part

2572- It is narrated on the authority of Abu Buraidah that he said: While the Messenger of Allah "Allah's blessing and peace be upon him" was walking on foot a man came riding a donkey, and said: "O Messenger of Allah! Ride (with me)!" he moved backward (so that the Prophet would ride on the front portion of the donkey), thereupon the Messenger of Allah "Allah's blessing and peace be upon him" said: "No: you have more claim over the front portion of your beast than me, unless you grant it to me." He said: "O Messenger of Allah! I've granted it to you." On that the Messenger of Allah "Allah's blessing and peace be upon him" rode.

[66] Should The Mount Be Slain During The Battlefield

2573- It is narrated on the authority of Yahya Ibn Abbad that he said: my foster father, one of the sons of Murrah Ibn Awf, told me, and he was among those who took part in the battle of Tabuk: By Allah, as if I'm looking at Ja'far, when he dismounted from a bold horse which he was riding, and then he slew it and started fighting with the people until he was killed.

الشَّيَاطِينِ فَلَمْ أَرَهَا»، كَانَ سَعِيدٌ يَقُولُ: «لاَ أُرَاهَا إلاَّ هَذِهِ الأَقْفَاصُ الَّتِي يَسْتُرُ النَّاسَ بِالدِّيبَاجِ».

[ت63/م57] ـ باب في سُرْعة السير والنَّهي عن التعريس في الطريق

2569 ـ حدّثنا مُوسَى بنُ إسْمَاعِيلَ: حدَّثنا حَمَّادٌ: أَخبرنا سُهَيْلُ بنُ أَبي صَالِحٍ، عنْ أَبِيهِ، عنْ أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللَّهِ ﷺ قال: **«إذَا سَافَرْتُمْ في الخِصْبِ فَأَعْطُوا الإبِلَ حَقَّهَا، وَإذَا سَافَرْتُمْ في الْجَدْبِ فَأَسْرِعُوا السَّيْرَ، فإذَا أَرَدْتُمُ التَّعْرِيسَ فَتَنَكَّبُوا عن الطَّرِيقِ»**.

2570 ـ حدّثنا عُثْمَانُ بنُ أَبي شَيْبَةَ: حدَّثنا يَزِيدُ بنُ هَارُونَ: أَخبرنا هِشَامٌ، عن الحَسَنِ، عنْ جَابِرِ بنِ عَبْدِ اللَّهِ، عن النَّبيِّ ﷺ نَحْوَ هَذَا قال بَعْدَ قَوْلِهِ **«حَقَّهَا»**: **«وَلاَ تَعَدَّوُا المَنَازِلَ»**.

[ت64/م...] ـ باب في الدُّلْجَة

2571 ـ حدّثنا عَمْرُو بنُ عَلِيٍّ: حدَّثنا خَالِدُ بنُ يَزِيدَ: حدَّثنا أَبُو جَعْفَرٍ الرَّازِيُّ، عن الرَّبِيعِ بنِ أَنَسٍ، عن أَنَسٍ قال: قال رَسُولُ اللَّهِ ﷺ: **«عَلَيْكُمْ بالدُّلْجَةِ، فَإنَّ الأَرْضَ تُطْوَى باللَّيْلِ»**.

[ت65/م58] ـ بابٌ ربُّ الدَّابة أَحق بصَدْرِها

2572 ـ حدّثنا أَحْمَدُ بنُ مُحَمَّدِ بنِ ثَابِتٍ المَرْوَزِيُّ، قال: حدثني عَلِيُّ بنُ حُسَيْنٍ: حدثني أَبِي: حدثني عَبْدُ اللَّهِ بنُ بُرَيْدَةَ قال: سَمِعْتُ أَبي بُرَيْدَةَ يَقُولُ: «بَيْنَما رَسُولُ اللَّهِ ﷺ يَمْشِي جَاءَ رَجُلٌ وَمَعَهُ حِمَارٌ، فقالَ: يَا رَسُولَ اللَّهِ ارْكَبْ وَتَأَخَّرَ الرَّجُلُ، فَقالَ رَسُولُ اللَّهِ ﷺ: **«لاَ، أَنْتَ أَحَقُّ بِصَدْرِ دَابَّتِكَ مِنِّي إلاَّ أَنْ تَجْعَلَهُ لِي»**، قالَ: فإنِّي قَدْ جَعَلْتُهُ لَكَ؛ فَرَكِبَ ﷺ».

[ت66/م59] ـ باب في الدَّابة تُعَرْقبُ في الحرب

2573 ـ حدّثنا عَبْدُ اللَّهِ بنُ مُحَمَّدٍ النُّفَيْلِيُّ: حدَّثنا مُحَمَّدُ بنُ سَلَمَةَ، عن مُحَمَّدِ بنِ إسْحَاقَ: حدثني ابنُ عَبَّادٍ، عن أَبيهِ عَبَّادِ بنِ عَبْدِ اللَّهِ بنِ الزُّبَيْرِ ـ قالَ أَبُو دَاوُدَ: هُوَ يَحْيَى بنُ عَبَّادٍ ـ: حدثني أَبِي الَّذِي أَرْضَعَنِي وَهُوَ أَحَدُ بَنِي مُرَّةَ بنِ عَوْفٍ، وَكَانَ في تِلْكَ الْغَزَاةِ غَزَاةِ مُؤْتَةَ قالَ: «واللَّهِ لَكَأَنِّي أَنْظُرُ إلى جَعْفَرٍ حِينَ اقْتَحَمَ عن فَرَسٍ لَهُ شَقْرَاءَ فَعَقَرَهَا، ثُمَّ قَاتَلَ الْقَوْمَ حَتَّى قُتِلَ».

Abu Dawud says: This narration is not strong, and many of the companions of the Messenger of Allah "Allah's blessing and peace be upon him" forbade such a conduct.

[67] The Charge Of The Race Winner

2574- It is narrated on the authority of Abu Hurairah that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "Nothing should be given as charge for a race winner more than a hoof, a nail, or a blade."

2575- It is narrated on the authority of Abdullah Ibn Umar: The Prophet "Allah's blessing and peace be upon him" made a race among such horses as made lean from Al-Hafya to Thaniyyat Al-Wada (two places, five or six miles far from one another); and made another race among the horses which had not been made lean from Thaniyyat Al-Wada to the mosque of Banu Zuraiq (a mile far from one another); and Abdullah was one of those who took part in this race.

2576- It is narrated on the authority of Ibn Umar: The Prophet "Allah's blessing and peace be upon him" made lean some horses, so as to make them take part in the race.

2577- It is narrated on the authority of Abdullah Ibn Umar: The Prophet "Allah's blessing and peace be upon him" made a race among horses, and gave preference to such as entered the fifth year.

[68] Making Race On Foot

2578- It is narrated on the authority of A'ishah that she was in the company of the Messenger of Allah "Allah's blessing and peace be upon him" on journey, and she raced him, and she said: I was able to precede him on foot. When I put on flesh and I raced him once again, he preceded me and said: "This (winning of mine) is for that (of yours)."

[69] The Lawful Horse Race

2579- It is narrated on the authority of Abu Hurairah that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "He, who makes a horse take part with two horses in a race (i.e. to get the competition consist of three horses instead of two), without knowing it would win, it is not gambling; and he, who makes a horse take part with two horses in a race, knowing for certain it would win, it is then a kind of gambling" (for the purpose of having it take part with them in the race will not be achieved).

قال أَبُو دَاوُدَ: هَذَا الْحَدِيثُ لَيْسَ بِالْقَوِيِّ، وقد جاء فيه نَهْيٌ كثيرٌ عن أَصحاب رسول الله ﷺ.

[ت67/ م60] ـ باب في السَّبق

2574 ـ حدّثنا أَحْمَدُ بنُ يُونُسَ: حدَّثنا ابنُ أَبي ذِئْبٍ، عنْ نَافِعِ بنِ أَبي نَافِعٍ، عنْ أَبي هُرَيْرَةَ قال: قالَ رَسُولُ اللَّهِ ﷺ: **«لاَ سَبْقَ إلاَّ في خُفٍّ أَوْ في حَافِرٍ أَوْ نَصْلٍ»**.

2575 ـ حدّثنا عَبْدُ اللَّهِ بنُ مَسْلَمَةَ الْقَعْنَبِيُّ، عنْ مَالِكٍ، عنْ نَافِعٍ، عنْ عَبْدِ اللَّهِ بنِ عُمَرَ: «أَنَّ رَسُولَ اللَّهِ ﷺ سَابَقَ بَيْنَ الْخَيْلِ الَّتِي قَدْ أُضْمِرَتْ مِنَ الْحَفْيَاءِ، وَكَانَ أَمَدُهَا ثَنِيَّةَ الْوَدَاعِ وَسابَقَ بَيْنَ الْخَيْلِ الَّتِي لَمْ تُضْمَرْ منَ الثَّنِيَّةِ إلى مَسْجِدِ بَنِي زُرَيْقٍ، وَأَنَّ عَبْدَ اللَّهِ كَانَ مِمَّنْ سَابَقَ بِهَا».

2576 ـ حدّثنا مُسَدَّدٌ: حدَّثنا معتمرٌ، عن عُبَيْدِ اللَّهِ، عن نَافِعٍ، عن ابنِ عُمَرَ: «أَنَّ نَبِيَّ اللَّهِ ﷺ كَانَ يُضَمِّرُ الْخَيْلَ، يُسَابِقُ بِهَا».

2577 ـ حدّثنا أَحْمَدُ بنُ حَنْبَلٍ: حدَّثنا عُقْبَةُ بنُ خَالِدٍ، عن عُبَيْدِ اللَّهِ، عن نَافِعٍ، عن ابنِ عُمَرَ: «أَنَّ النَّبيَّ ﷺ سَبَّقَ بَيْنَ الْخَيْلِ، وَفَضَّلَ الْقُرَّحَ في الْغَايَةِ».

[ت68/ م61] ـ باب في السبق على الرِّجل

2578 ـ حدّثنا أَبُو صَالِحٍ الأَنْطَاكِيُّ مَحْبُوبُ بنُ مُوسَى: أَخبرنا أَبُو إِسْحَاقَ ـ يعني الْفَزَارِيَّ ـ، عن هِشَامِ بنِ عُرْوَةَ، عن أَبِيهِ، وَعن أَبي سَلَمَةَ، عن عَائشةَ رضي اللَّهِ عنها: أَنَّهَا كَانَتْ مَعَ النَّبيِّ ﷺ في سَفَرٍ، قالَتْ: فَسَابَقْتُهُ فَسَبَقْتُهُ عَلَى رِجْلَيَّ، فَلَمَّا حَمَلْتُ اللَّحْمَ سَابَقْتُهُ فَسبَقَنِي فقال: **«هَذِهِ بِتِلْكَ السَّبْقَةِ»**.

[ت69/ م62] ـ باب في المحلَّل

2579 ـ حدّثنا مُسَدَّدٌ: حدَّثنا حُصَيْنُ بنُ نُمَيْرٍ: حدَّثنا سُفْيَانُ بنُ حُسَيْنٍ. (ح) وحدَّثنا عَلِيُّ بنُ مُسْلِمٍ: حدَّثنا عَبَّادُ بنُ الْعَوَّامِ: أَخبرنا سُفْيَانُ بنُ حُسَيْنٍ، المعنى، عن الزُّهْرِيِّ، عن سَعِيدِ بنِ الْمُسَيَّبِ، عن أَبي هُرَيْرَةَ، عن النَّبيِّ ﷺ قال: **«مَنْ أَدْخَلَ فَرَسًا بَيْنَ فَرَسَيْنِ»** ـ يَعْنِي وَهُوَ لا يُؤْمِنُ أَنْ يُسْبَقَ ـ **«فَلَيْسَ بِقِمَارٍ، وَمَنْ أَدْخَلَ فَرَسًا بَيْنَ فَرَسَيْنِ وَقَدْ أَمِنَ أَنْ يُسْبَقَ فَهُوَ قِمَارٌ»**.

2580- The same is narrated on the authority of Az-Zuhri through the same chain of transmitters.

Abu Dawud says: The narration transmitted on the authority of Az-Zuhri is more authentic in our sight.

[70] What About Human Motivation In Horse Race

2581- It is narrated on the authority of Imran Ibn Husain that the Messenger of Allah "Allah's blessing and peace be upon him" said: "There is neither human motivation nor animal supply in a horse race." As to the human motivation, it is that a man is brought to run by the side of the racing horse, and motivate it to run faster by crying and encouraging; and the animal supply is to bring a horse to run a distant far from the racing one, and once the racing horse weakens and is given to trouble, the kept one will replace it.

2582- It is narrated on the authority of Qatadah that he said: There is neither human motivation nor animal supply in betting.

[71] Adorning The Sword

2583- It is narrated on the authority of Anas that the handle of the sword of the Messenger of Allah "Allah's blessing and peace be upon him" was adorned with silver.

2584- It is narrated on the authority of Al-Hasan that the handle of the sword of the Messenger of Allah "Allah's blessing and peace be upon him" was adorned with silver. Qatadah said: No one followed Al-Hasan in that narration.

2585- It is narrated on the authority of Anas that the handle of the sword of the Messenger of Allah "Allah's blessing and peace be upon him" was adorned with silver.

[72] Is It Permissible To Enter The Mosque With Spears?

2586- It is narrated on the authority of Jabir that the Messenger of Allah "Allah's blessing and peace be upon him" ordered a man who was giving spears in charity in the mosque not to pass by while carrying them unless he is catching hold of their blades.

2587- It is narrated on the authority of Abu Musa that the Messenger of Allah "Allah's blessing and peace be upon him" said: "When anyone comes upon our mosque or market while carrying spears, let him catch hold of their blades, lest they might harm anyone of the Muslims (by mistake)."

2580 ـ حدّثنا محمُودُ بنُ خَالِدٍ: حدَّثنا الْوَلِيدُ بنُ مُسْلِمٍ، عن سَعِيدِ بنِ بَشِيرٍ، عن الزُّهْرِيِّ بِإِسْنَادِ عَبَّادٍ وَمَعْنَاهُ.

قال أَبُو دَاوُدَ: رَوَاهُ مَعْمَرٌ وَشُعَيْبٌ وَعَقِيلٌ، عن الزُّهْرِيِّ، عن رِجَالٍ مِنْ أَهْلِ الْعِلْمِ، وَهَذَا أَصَحُّ عِنْدَنَا.

[ت70/م63] ـ باب في الجَلَب على الخيل في السباق

2581 ـ حدّثنا يَحْيَى بنُ خَلَفٍ: حدَّثنا عَبْدُ الْوَهَّابِ بنُ عَبْدِ الْمَجِيدِ: حدَّثنا عَنْبَسَةُ. (ح) وحدَّثنا مُسَدَّدٌ: حدَّثنا بِشْرُ بنُ الْمُفَضَّلِ، عن حُمَيْدٍ الطَّوِيلِ جَمِيعًا، عن الْحَسَنِ، عن عِمْرَانَ بنِ حُصَيْنٍ، عن النَّبِيِّ ﷺ قال: «**لاَ جَلَبَ وَلاَ جَنَبَ**». زَادَ يَحْيَى في حَدِيثِهِ: «**في الرِّهَانِ**».

2582 ـ حدّثنا ابنُ الْمُثَنَّى: حدَّثنا عَبْدُ الأَعْلَى، عن سَعِيدٍ، عن قَتَادَةَ قال: «الْجَلَبُ والْجَنَبُ في الرِّهَانِ».

[ت71/م64] ـ باب في السيف يُحَلَّى

2583 ـ حدّثنا مُسْلِمُ بنُ إِبْرَاهِيمَ: حدَّثنا جَرِيرُ بنُ حَازِمٍ: حدَّثنا قَتَادَةُ، عن أَنَسٍ قال: «كَانَتْ قَبِيعَةُ سَيْفِ رَسُولِ اللَّهِ ﷺ فِضَّةً».

2584 ـ حدّثنا مُحَمَّدُ بنُ الْمُثَنَّى: حدَّثنا مُعَاذُ بنُ هِشَامٍ: حدَّثني أَبِي، عن قَتَادَةَ، عن سَعِيدِ بنِ أَبِي الْحَسَنِ قال: «كَانَتْ قَبِيعَةُ سَيْفِ رَسُولِ اللَّهِ ﷺ فِضَّةً».

قال قَتَادَةُ: وَمَا عَلِمْتُ أَحَدًا تابَعَهُ عَلَى ذَلِكَ.

2585 ـ حدّثنا مُحَمَّدُ بنُ بَشَّارٍ: حدَّثني يَحْيَى بنُ كَثِيرٍ أَبُو غَسَّانَ الْعَنْبَرِيُّ، عن عُثْمَانَ بنِ سَعْدٍ، عن أَنَسِ بنِ مَالِكٍ قال: «كَانَتْ» فَذَكَرَ مِثْلَهُ.

قال أَبُو دَاوُدَ: أَقْوَاهَا حَدِيثُ سَعِيدِ بنِ أَبِي الْحَسَنِ، والباقي كلها ضِعَافٌ.

[ت72/م65] ـ باب في النَّبْل يُدخَل به المسجد

2586 ـ حدّثنا قُتَيْبَةُ بنُ سَعِيدٍ: حدَّثنا اللَّيْثُ، عن أَبِي الزُّبَيْرِ، عن جَابِرٍ، عن رَسُولِ اللَّهِ ﷺ: «أَنَّهُ أَمَرَ رَجُلاً كَانَ يَتَصَدَّقُ بالنَّبْلِ في الْمَسْجِدِ أَنْ لاَ يَمُرَّ بِهَا إلا وَهُوَ آخِذٌ بِنُصُولِهَا».

2587 ـ حدّثنا مُحَمَّدُ بنُ الْعَلاَءِ: حدَّثنا أَبُو أُسَامَةَ، عن بُرَيْدٍ، عن أَبِي بُرْدَةَ، عن أَبِي مُوسَى، عن رَسُولِ اللَّهِ ﷺ قال: «**إِذَا مَرَّ أَحَدُكُم في مَسْجِدِنَا، أَوْ في سُوقِنَا، وَمَعَهُ نَبْلٌ، فَلْيُمْسِكْ عَلَى نِصَالِهَا، أَوْ قال: فَلْيَقْبِضْ كَفَّهُ، أَوْ قال: فَلْيَقْبِضْ بِكَفِّهِ أَنْ تُصِيبَ أَحَدًا مِنَ الْمُسْلِمِينَ**».

[73] It Is Forbidden To Hand Over A Sword To Anyone While Unsheathed

2588- It is narrated on the authority of Jabir that the Messenger of Allah "Allah's blessing and peace be upon him" forbade that a sword should be handed over to anyone while unsheathed.

[74] It Is Forbidden To Slice The String (Of A Bow) While Being Between Two Fingers

2589- It is narrated on the authority of Samurah Ibn Jundub that the Messenger of Allah "Allah's blessing and peace be upon him" forbade that the string (of a bow) should be sliced while being between two fingers (lest they might be vulnerable to injury).

[75] Putting On Armours

2590- It is narrated on the authority of As-Sa'ib Ibn Yazid from one whom he called that on the day of (the holy battle of) Uhud, the Messenger of Allah "Allah's blessing and peace be upon him" put on two armours.

[76] What About Flags And Banners

2591- It is narrated on the authority of Yunus Ibn Ubaid, the freed slave of Muhammad Ibn Al-Qasim that he said: Muhammad Ibn Al-Qasim sent me to Al-Bara' Ibn Azib to ask him about the constitution of the flag of the Messenger of Allah "Allah's blessing and peace be upon him", thereupon he said: "It was black, square, made of wool."

2592- It is narrated on the authority of Jabir tracing it up to the Messenger of Allah "Allah's blessing and peace be upon him" that his flag was white on the day he entered Mecca.

2593- It is narrated on the authority of Simak from a man belonging to his people from another man of them that he said: I saw the flag of the Messenger of Allah "Allah's blessing and peace be upon him", and it was yellow.

[77] Emerging Victorious By Virtue Of The (Blessing Of The) Weak Horsemen

2594- It is narrated on the authority of Abu Ad-Darda' that he heard the Messenger of Allah "Allah's blessing and peace be upon him" having said: "Search for the weak (among you) for me, since you are given sustenance and victory by virtue of the (good invocation and blessing of the) weak persons among you."

[ت73/م66] ـ باب في النهي أن يُتَعاطى السيف مسلولاً

2588 ـ حدّثنا مُوسَى بنُ إسْمَاعِيلَ: حدَّثنا حَمَّادٌ، عن أبي الزّبَيْرِ، عن جَابِرٍ: «أَنَّ النَّبيَّ ﷺ نَهَى أَنْ يُتَعاطَى السَّيْفُ مَسْلُولاً».

[ت74/م67] ـ باب النهي أن يَقُدَّ السير بين إصبعين

2589 ـ حدّثنا مُحَمَّدُ بنُ بَشَّارٍ: حدَّثنا قُرَيْشُ بنُ أَنَسٍ: حدَّثنا أَشْعَثُ، عن الْحَسَنِ، عن سَمُرَةَ بنِ جُنْدَبٍ: «أَنَّ رَسُولَ اللَّهِ ﷺ نَهَى أَنْ يُقَدَّ السَّيْرُ بَيْنَ إِصْبَعَيْنِ».

[ت75/م68] ـ باب في لبس الدروع

2590 ـ حدّثنا مُسَدَّدٌ: حدَّثنا سُفْيَانُ قال: حَسِبْتُ أَنِّي سَمِعْتُ يَزِيدَ بنَ خُصَيْفَةَ يَذْكُرُ، عن السَّائِبِ بنِ يَزِيدَ، عن رَجُلٍ قَدْ سَمَّاهُ: «أَنَّ رَسُولَ اللَّهِ ﷺ ظَاهَرَ يَوْمَ أُحُدٍ بَيْنَ دِرْعَيْنِ أَوْ لَبِسَ دِرْعَيْنِ».

[ت76/م69] ـ باب في الرايات والألوية

2591 ـ حدّثنا إبْرَاهِيمُ بنُ مُوسَى الرَّازِيُّ: أخبرنا ابنُ أبي زَائِدَةَ: أخبرنا أبو يَعْقُوبَ الثَّقَفِيُّ: حدثني يُونُسُ بنُ عُبَيْدٍ مَوْلَى مُحَمَّدِ بنِ الْقَاسِمِ قالَ: «بَعَثَني مُحَمَّدُ بنُ الْقَاسِمِ إلى الْبَرَاءِ بنِ عَازِبٍ يَسْأَلُهُ عنْ رَايَةِ رَسُولِ اللَّهِ ﷺ مَا كَانَتْ؟ فَقالَ: كَانَتْ سَوْدَاءَ مُرَبَّعَةً مِنْ نَمِرَةٍ».

2592 ـ حدّثنا إسْحَاقُ بنُ إبْرَاهِيمَ الْمَرْوَزِيُّ وَهُوَ ابنُ رَاهَوَيْهِ: حدَّثنا يَحْيَى بنُ آدَمَ: حدَّثنا شَرِيكٌ، عن عَمَّارٍ الدُّهْنِيِّ، عنْ أبي الزُّبَيْرِ، عن جَابِرٍ يَرْفَعُهُ إِلَى النَّبيِّ ﷺ: «أَنَّهُ كَانَ لِوَاؤُهُ يَوْمَ دَخَلَ مَكَّةَ أَبْيَضَ».

2593 ـ حدّثنا عُقْبَةُ بنُ مُكْرَمٍ: حدَّثنا سَلْمُ بنُ قُتَيْبَةَ الشَّعِيرِيُّ، عنْ شُعْبَةَ، عن سِمَاكٍ، عن رَجُلٍ مِنْ قَوْمِهِ، عنْ آخَرَ مِنْهُمْ قالَ: «رَأَيْتُ رَايَةَ رَسُولِ اللَّهِ ﷺ صَفْرَاءَ».

[ت77/م70] ـ باب في الانتصار برُذُل الخيل والضَّعَفة

2594 ـ حدّثنا مُؤَمَّلُ بنُ الْفَضْلِ الْحَرَّانِيُّ: حدَّثنا الْوَلِيدُ: حدَّثنا ابنُ جَابِرٍ، عنْ زَيْدِ بنِ أَرْطَاةَ الْفَزَارِيِّ، عن جُبَيْرِ بنِ نُفَيْرٍ الْحَضْرَمِيِّ أَنَّهُ سَمِعَ أَبا الدَّرْدَاءِ يَقُولُ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «**ابْغُونِي الضُّعَفَاءَ، فَإِنَّمَا تُرْزَقُونَ وَتُنْصَرُونَ بِضُعَفَائِكُم**».

قال أَبُو دَاوُدَ: «زَيْدُ بنُ أَرْطَاةَ أَخُو عَدِيِّ بنِ أَرْطَاةَ».

[78] When One Calls With The Slogan

2595- It is narrated on the authority of Samurah Ibn Jundub that he said: 'Abdullah' was the slogan of the Muhajirs (Emigrants), and 'Abd Ar-Rahman' was the slogan of the Ansar (Helpers).

2596- It is narrated on the authority of Iyas Ibn Salamah from his father that he said: We took part in a holy battle under the leadership of Abu Bakr during the lifetime of the Messenger of Allah "Allah's blessing and peace be upon him", in which our slogan was 'cause (your enemy) to die! cause (your enemy) to die!'.

2597- It is narrated on the authority of Al-Muhallab Ibn Abu Sufrah that he said: The one who heard the Messenger of Allah "Allah's blessing and peace be upon him" told me that he said: "If you are attacked (by your enemy surprisingly), let your slogan be: 'Ha Mim: they will never be victorious'."

[79] What Man Says When He Sets Out On Journey

2598- It is narrated on the authority of Abu Hurairah that he said: Whenever the Messenger of Allah "Allah's blessing and peace be upon him" set out on journey, he would say: "O Allah! You are the companion in the journey, and the Guardian of our families (in our absence). O Allah! I seek refuge with You from the troubles of the journey, the gloominess of sight, and the evil changes in property and family (on return). O Allah! Fold up the long distance for us, and make the journey easy upon us."

2599- It is narrated on the authority of Ibn Umar that whenever The Messenger of Allah "Allah's blessing and peace be upon him" set firm on his mount for a journey, he would magnify Allah thrice and then say: "Glory be to Him, Who subdued that (mount) for us, and (had it not been for that reason) we would not have been able to bear its (power and obstinacy), and to our Lord we are returning. O Allah! We ask You in this journey of ours (to enable us to do) righteousness and piety, and from the deeds whatever You are pleased with. O Allah! Make easy this journey of ours, and fold up for us its far distance. O Allah! You are the companion in the journey, and the Guardian of our families. O Allah! I seek refuge with You from the troubles of the journey, the gloominess of sight, and the evil changes in property and family (on return)." Whenever he (The Prophet) returned (from journey) he would repeat it, and add: "We are returning (as) repentant, worshipping, and praising our Lord." Furthermore, whenever the Messenger of Allah "Allah's blessing and peace be upon him" and his army came up the high portions of the way, they would magnify Allah, and

[ت78/م71] ـ باب في الرجل يُنادي بالشِّعار

2595 ـ حدّثنا سَعِيدُ بنُ مَنْصُورٍ: حدَّثنا يَزِيدُ بنُ هَارُونَ، عن الْحَجَّاجِ، عنْ قَتَادَةَ، عن الْحَسَنِ، عنْ سَمُرَةَ بنِ جُنْدَبٍ قال: «كَانَ شِعَارُ المُهَاجِرِينَ عَبْدَ اللَّهِ وَشِعَارُ الأَنْصَارِ عَبْدَ الرَّحْمٰنِ».

2596 ـ حدّثنا هَنَّادٌ، عن ابنِ المُبَارَكِ، عنْ عِكْرِمَةَ بنِ عَمَّارٍ، عن إيَاسِ بنِ سَلَمَةَ، عنْ أَبِيهِ قال: «غَزَوْنَا مَعَ أَبي بَكْرٍ زَمَنَ رَسُولِ اللَّهِ ﷺ، فَكَانَ شِعَارُنَا أَمِتْ أَمِتْ».

2597 ـ حدّثنا مُحَمَّدُ بنُ كَثِيرٍ: أَخبرنا سُفْيَانُ، عنْ أَبي إسْحَاقَ، عن المُهَلَّبِ بنِ أَبي صُفْرَةَ قال: أخبرني مَنْ سَمِعَ النَّبيَّ ﷺ يَقُولُ: **«إنْ بُيِّتُّم فَلْيَكُنْ شِعَارُكُم: حٰم لاَ يُنْصَرُونَ»**.

[ت79/م72] ـ باب ما يقول الرجل إذا سافر

2598 ـ حدّثنا مُسَدَّدٌ: حدَّثنا يَحْيَى: حدَّثنا مُحَمَّدُ بنُ عَجْلاَنَ: حدثني سَعِيدٌ المَقْبُرِيُّ، عن أَبي هُرَيْرَةَ قال: كَانَ رَسُولُ اللَّهِ ﷺ إذَا سَافَرَ قال: **«اللَّهمَّ أَنْتَ الصَّاحِبُ في السَّفَرِ وَالْخَلِيفَةُ في الأَهْلِ، اللَّهمَّ إنِّي أَعُوذُ بكَ مِنْ وَعْثَاءِ السَّفَرِ، وَكَآبَةِ المُنْقَلَبِ، وَسُوءِ المَنْظَرِ في الأَهْلِ وَالمَالِ، اللَّهمَّ اطْوِ لَنَا الأَرْضَ، وَهَوِّنْ عَلَيْنَا السَّفَرَ»**.

2599 ـ حدّثنا الْحَسَنُ بنُ عَلِيٍّ: حدَّثنا عَبْدُ الرَّزَّاقِ: أخبرنا ابنُ جُرَيْجٍ: أخبرني أَبُو الزُّبَيْرِ أَنَّ عَلِيًّا الأَزْدِيَّ أَخْبَرَهُ أَنَّ ابنَ عُمَرَ عَلَّمَهُ: «أَنَّ رَسُولَ اللَّهِ ﷺ كَانَ إذَا اسْتَوَى عَلَى بَعِيرِهِ خَارِجًا إلى سَفَرٍ كَبَّرَ ثَلاَثًا ثُمَّ قال: «﴿سُبۡحَٰنَ ٱلَّذِي سَخَّرَ لَنَا هَٰذَا وَمَا كُنَّا لَهُۥ مُقۡرِنِينَ ۝١٣ وَإِنَّآ إِلَىٰ رَبِّنَا لَمُنقَلِبُونَ ۝١٤﴾ [الزخرف: 13، 14]. **اللَّهمَّ إنِّي أَسْأَلُكَ في سَفَرِنا هَذا الْبِرَّ وَالتَّقْوَى وَمِنَ الْعَمَلِ ما تَرْضَى، اللَّهمَّ هَوِّنْ عَلَيْنَا سَفَرَنَا هَذَا، اللَّهمَّ اطْوِ لَنَا الْبُعْدَ. اللَّهمَّ أَنْتَ الصَّاحِبُ في السَّفَرِ والْخَلِيفَةُ في الأَهْلِ وَالمَالِ»**. وَإذَا رَجَعَ قالَهُنَّ وَزَادَ فِيهِ: **«آيِبُونَ تَائِبُونَ عَابِدُونَ لِرَبِّنَا حَامِدُونَ»**. وكَانَ النَّبيُّ ﷺ وَجُيُوشُهُ إذَا عَلَوُا الثَّنَايَا كَبَّرُوا، وَإذَا هَبَطُوا

whenever they came down they would glorify Allah; and it is upon this that the prayer was based.

[80] The Supplication On Bidding Farewell

2600- It is narrated on the authority of Qaza'ah that Ibn Umar said to him: Let me bid farewell to you in the same way as the Messenger of Allah "Allah's blessing and peace be upon him" did with me: "I entrust to Allah your faith, honesty and the conclusion of your deeds."

2601- It is narrated on the authority of Abdullah Al-Khatmi that he said: Whenever the Messenger of Allah "Allah's blessing and peace be upon him" bade farewell to his army he would say: "I entrust to Allah your faith, honesty and the conclusion of your deeds."

[81] What One Says On Riding

2602- It is narrated on the authority of Ali Ibn Rabie'ah: I saw Ali (Ibn Abu Talib) having brought a mount, and when he put his feet in the stirrup he said: "In the Name of Allah"; and when he got himself seated firm on it he said: "Praise be to Allah. Glory be to Him Who has subjected these to our (use), for we could never have accomplished this (by ourselves). And to our Lord, surely, must we return back!" then, he praised Allah thrice, and magnified Allah thrice, and said: "Glorified be You: There is no god (to be worshipped) but You: I've wronged myself, so, forgive for me!" then, he laughed, I asked him: "What made you laugh O Commander of Believers?" he said: "I saw the Messenger of Allah "Allah's blessing and peace be upon him" having done the same (I've done when he rode his mount) and then he laughed. I asked him: "What made you laugh O Messenger of Allah?" he said: "The Lord wonders at His servant when he says: "O Allah! Forgive for me!" and He (Allah) then says: "My servant has known that none forgives the sins other than I."

[82] What One Says On Halting At A Resting Place

2603- It is narrated on the authority of Ibn Umar that whenever the Messenger of Allah "Allah's blessing and peace be upon him" was on journey and the night fell, he would say: "O land, my and your Lord is Allah: I seek refuge with Allah from the evil of you, the evil of what is in you, the evil of what is created in you, and the evil of what is walking on you; and I seek refuge with Allah from every lion and huge female-snake, from every snake and scorpion, from the inhabitants of the town (from amongst the jinns), and Iblis and his offspring."

سَبَّحُوا، فَوُضِعَتِ الصَّلاَةُ عَلَى ذَلِكَ».

[ت80/م73] ـ باب في الدُّعَاء عند الوداع

2600 ـ حدّثنا مُسَدَّدٌ: حدَّثنا عَبْدُ اللَّهِ بنُ دَاوُدَ، عن عَبْدِ العَزِيزِ بنِ عُمَرَ، عن إسْمَاعِيلَ بنِ جَرِيرٍ، عن قَزَعَةَ قال: قال لِي ابنُ عُمَرَ: هَلُمَّ أُوَدِّعْكَ كَما وَدَّعَنِي رَسُولُ اللَّهِ ﷺ: «**أَسْتَوْدِعُ اللَّه دِينَكَ وَأَمَانَتَكَ وَخَوَاتِيمَ عَمَلِكَ**».

2601 ـ حدّثنا الْحَسَنُ بنُ عَلِيٍّ: حدَّثنا يَحْيَى بنُ إسْحَاقَ السَّيْلَحِينِيُّ: حدَّثنا حَمَّادُ بنُ سَلَمَةَ، عن أبي جَعْفَرٍ الْخَطْمِيِّ، عنْ مُحَمَّدِ بنِ كَعْبٍ، عنْ عَبْدِ اللَّهِ الْخَطْمِيِّ قال: كَانَ النَّبيُّ ﷺ إذَا أَرَادَ أَنْ يَسْتَوْدِعَ الْجَيْشَ قال: «**أَسْتَوْدِعُ اللَّه دِينَكُم وَأَمَانَتَكُم وَخَوَاتِيمَ أَعْمَالِكُم**».

[ت81/م74] ـ باب ما يقول الرجل إذا ركب

2602 ـ حدّثنا مُسَدَّدٌ: حدَّثنا أبو الأَحْوَصِ: حدَّثنا أَبُو إسْحَاقَ الْهَمْدَانِيُّ، عن عَلِيِّ بنِ رَبِيعَةَ قال: شَهِدْتُ عَلِيًّا رضي اللَّهِ عنه وَأُتِيَ بِدَابَّةٍ لِيَرْكَبَهَا، فَلَمَّا وَضَعَ رِجْلَهُ في الرِّكَابِ قال: بِسْمِ اللَّهِ، فَلَمَّا اسْتَوَى عَلَى ظَهْرِهَا قال: الْحَمْدُ لِلَّهِ، ثُمَّ قال: ﴿سُبْحَٰنَ ٱلَّذِى سَخَّرَ لَنَا هَٰذَا وَمَا كُنَّا لَهُۥ مُقْرِنِينَ ﴿١٣﴾ وَإِنَّآ إِلَىٰ رَبِّنَا لَمُنقَلِبُونَ ﴿١٤﴾﴾، ثُمَّ قالَ: الْحَمْدُ للَّه ثَلاَثَ مَرَّاتٍ، ثُمَّ قال: اللَّهُ أَكْبَرُ ثَلاَثَ مَرَّاتٍ، ثُمَّ قالَ: سُبْحَانَكَ إنِّي ظَلَمْتُ نَفْسِي فَاغْفِرْ لِي، فإنه لا يَغْفِرُ الذُّنُوبَ إلاَّ أَنْتَ، ثُمَّ ضَحِكَ، فَقيلَ: يَا أَمِيرَ الْمُؤْمِنِينَ مِنْ أَيِّ شَيْءٍ ضَحِكْتَ؟ قال: رَأَيْتُ رَسُولَ اللَّهِ ﷺ فَعَلَ كَما فَعَلْتُ، ثُمَّ ضَحِكَ، فَقُلْتُ: يَا رَسُولَ اللَّهِ مِنْ أَي شَيْءٍ ضَحِكْتَ؟ قال: «**إنَّ رَبَّكَ تَعَالَى يَعْجَبُ مِنْ عَبْدِهِ إذَا قال اغْفِرْ لِي ذُنُوبِي، يَعْلَمُ أَنَّهُ لا يَغْفِرُ الذُّنُوبَ غَيْرِي**».

[ت82/م75] ـ باب ما يقول الرجل إذا نَزَل المَنْزِل

2603 ـ حدّثنا عَمْرُو بنُ عُثْمَانَ: حدَّثنا بَقِيَّةُ: حدثني صَفْوَانُ: حدَّثني شُرَيْحُ بنُ عُبَيْدٍ، عن الزُّبَيْرِ بنِ الْوَلِيدِ، عن عَبْدِ اللَّهِ بنِ عَمْرٍو قال: كَانَ رَسُولُ اللَّهِ ﷺ إذَا سافَرَ فَأَقْبَلَ اللَّيْلُ قال: «**يَا أَرْضُ رَبِّي وَرَبُّكِ اللَّه. أَعُوذُ باللَّهِ مِنْ شَرِّكِ وَشَرِّ مَا فِيكِ وَشَرِّ مَا خُلِقَ فِيكِ، وَمِنْ شَرِّ مَا يَدِبُّ عَلَيْكِ، وَأَعُوذُ باللَّهِ مِنْ أَسَدٍ وَأَسْوَدَ، وَمِنَ الْحَيَّةِ وَالْعَقْرَبِ، وَمِنْ ساكِنِ الْبَلَدِ، وَمِنْ وَالِدٍ وَمَا وَلَدَ**».

[83] It Is Undesirable To Proceed On At The First Part Of The Night

2604- It is narrated on the authority of Jabir that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "Do not send your (riding and grazing) animals once the sun disappears until the deep darkness of the night dissipates the twilight, since Satans spread as of the disappearance of the sun until the deep darkness of the night."

[84] On Which Day It Is Desirable For One To Set Out On Journey?

2605- It is narrated on the authority of Ka'b Ibn Malik that he said: The Messenger of Allah "Allah's blessing and peace be upon him" rarely set out on journey on a day other than Thursday.

[85] Setting Out On Journey In The Early Portion Of The Morning

2606- It is narrated on the authority of Sakhr Al-Ghamidi that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "O Allah! Send Your Blessing upon my nation as long as they always come out early in the morning!" however, whenever the Messenger of Allah "Allah's blessing and peace be upon him" sent a detachment or an army, he would send it early in the first portion of the day. Sakhr (the narrator of this Hadith) was a trader, and he used to send his merchandise in the first portion of the day, with the result that he became rich with more property.

[86] When One Sets Out On Journey Alone

2607- It is narrated on the authority of Amr Ibn Shu'aib from his father from his grandfather that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "The rider on journey alone is like a devil (in his conduct), and two like two devils, and (no less than) three riders are considered to be a group (of riders)."

[87] When The Group Of Travelers Make One Of Them Their Chief

2608- It is narrated on the authority of Abu Sa'id Al-Khudri that the Messenger of Allah "Allah's blessing and peace be upon him" said: "When three set out on journey, let them choose one as their chief."

2609- It is narrated on the authority of Abu Hurairah that the Messenger of Allah "Allah's blessing and peace be upon him" said: "When there are three on journey, let them choose one as their chief." Nafi' (the sub-narrator) said: We said to Abu Salamah: Then, you are our chief.

[ت83/م76] ـ باب في كراهية السير في أول الليل

2604 ـ حدّثنا أَحْمَدُ بنُ أَبي شُعَيْبٍ الْحَرَّانيُّ: حدَّثنا زُهَيْرٌ: حدَّثنا أَبُو الزُّبَيْرِ، عن جابرٍ قال: قال رَسُولُ اللَّهِ ﷺ: «**لاَ تُرْسِلُوا فَوَاشِيَكُم إذَا غَابَتِ الشَّمْسُ حَتَّى تَذْهَبَ فَحْمَةُ الْعِشَاءِ، فإِنَّ الشَّيَاطِينَ تَعِيثُ إذَا غَابَتِ الشَّمْسُ حتَّى تَذْهَبَ فَحْمَةُ الْعِشَاءِ**».

قال أَبُو دَاوُدَ: الْفَوَاشِي مَا يَفْشُو مِنْ كلِّ شَيْءٍ.

[ت84/م77] ـ باب في أي يوم يستحب السفر

2605 ـ حدّثنا سَعِيدُ بنُ مَنْصُورٍ: حدَّثنا عَبْدُ اللَّهِ بنُ الْمُبَارَكِ، عن يُونُسَ بنِ يَزِيدَ، عنْ الزُّهْرِيِّ، عنْ عَبْدِ الرَّحْمٰنِ بنِ كَعْبِ بنِ مَالِكٍ، عنْ كَعْبِ بنِ مَالِكٍ قال: «قَلَّ مَا كَانَ رَسُولُ اللَّهِ ﷺ يَخْرُجُ في سَفَرٍ إلاَّ يَوْمَ الخَمِيسِ».

[ت85/م78] ـ باب في الابتكار في السفر

2606 ـ حدّثنا سَعِيدُ بنُ مَنْصُورٍ: حدَّثنا هُشَيْمٌ: حدَّثنا يَعْلَى بنُ عَطَاءٍ: حدَّثنا عُمَارَةُ بنُ حَدِيدٍ، عن صَخْرٍ الغَامِدِيِّ، عن النَّبيِّ ﷺ قال: «**اللَّهمَّ بَارِكْ لأُمَّتي في بُكُورِهَا**»، وكَانَ إذَا بَعَثَ سَرِيَّةً أَوْ جَيْشًا بَعَثَها مِنْ أَوَّلِ النَّهَارِ، وكَانَ صَخْرٌ رَجُلاً تَاجِرًا، وكَانَ يَبْعَثُ تِجَارَتَهُ مِنْ أَوَّلِ النَّهَارِ، فأَثْرَى وكَثُرَ مالُهُ.

قال أَبُو دَاوُدَ: وَهُوَ صَخْرُ بنُ وَدَاعَةَ.

[ت86/م79] ـ باب في الرجل يسافر وحده

2607 ـ حدّثنا عَبْدُ اللَّهِ بنُ مَسْلَمَةَ الْقَعْنَبيُّ، عن مَالِكٍ، عن عَبْدِ الرَّحْمٰنِ بنِ حَرْمَلَةَ، عن عَمْرِو بنِ شُعَيْبٍ، عن أَبِيهِ، عن جَدِّهِ قال: قال رَسُولُ اللَّهِ ﷺ: «**الرَّاكِبُ شَيْطَانٌ، وَالرَّاكِبَانِ شَيْطَانَانِ، وَالثَّلاَثَةُ رَكْبٌ**».

[ت87/م80] ـ باب في القوم يسافرون يؤمِّرون أَحدهم

2608 ـ حدّثنا عَلِيُّ بنُ بَحْرِ بنِ بَرِّيٍّ: حدَّثنا حَاتِمُ بنُ إسْمَاعِيلَ: حدَّثنا مُحَمَّدُ بنُ عَجْلاَنَ، عن نَافِعٍ، عن أَبِي سَلْمَةَ، عن أَبِي سَعِيدِ الْخُدْرِيِّ أَنَّ رَسُولَ اللَّهِ ﷺ قالَ: «**إذَا خَرَجَ ثَلاَثَةٌ في سَفَرٍ فَلْيُؤَمِّرُوا أَحَدَهُمْ**».

2609 ـ حدّثنا عَلِيُّ بنُ بَحْرٍ: حدَّثنا حَاتِمُ بنُ إسْمَاعِيلَ: حدَّثنا مُحَمَّدُ بنُ عَجْلاَنَ، عن أَبِي سَلَمَةَ، عن أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللَّهِ ﷺ قالَ: «**إذَا كَانَ ثَلاَثَةٌ فِي سَفَرٍ فَلْيُؤَمِّرُوا أَحَدَهُمْ**» قال نَافِعٌ: فَقُلْنَا لأَبِي سَلَمَةَ: فَأَنْتَ أَمِيرُنَا.

[88] Traveling With The Mushaf To The Land Of The Enemy

2610- It is narrated on the authority of Abdullah Ibn Umar that he said: The Messenger of Allah "Allah's blessing and peace be upon him" forbade to travel with the Mushaf to the land of the enemy, for fear they would touch it with harm.

[89] What About The Desirable Number Of The Army, Military Expeditions, And Companions?

2611- It is narrated on the authority of Ibn Abbas that the Messenger of Allah "Allah's blessing and peace be upon him" said: "The best (group of) companions (in number) is of (no less than) four; the best of military expeditions (in number) is of (no less than) four hundred; and the best of armies (in number) is (no less than) four thousand; and (in case it is of twelve thousand, you should know that) twelve thousand are not too few (in number) to be defeated."

Abu Dawud said: This narration is Mursal.

[90] Calling The Pagans (To One Of Three Things)

2612- It is narrated on the authority of Sulaiman Ibn Buraidah from his father: Whenever The Messenger of Allah "Allah's blessing and peace be upon him" appointed anyone as leader of an army or detachment, he would privately urge him to fear Allah and to be good to the Muslims who were with him. He would say: "When you meet your enemies from amongst the pagans, call them to (one of) three things. If they respond to any one of them, you should accept it and keep yourself from causing any harm to them. Call them to (embrace) Islam. If they respond to you, you should accept it from them and withhold yourself from fighting them. Then call them to emigrate from their land to the land of the Emigrants, and tell them that if they do that, they will have all the privileges and obligations of the Emigrants. If they refuse to emigrate (from their land), and choose to remain in their homeland, inform them that they will become as the Bedouin Muslims and will be subject to the orders of Allah like other believers, but they will not share the spoils of war or booty with them unless they take part with the Muslims in fighting (the unbelievers). If they refuse to embrace Islam, ask them to give Jizyah. If they agree to give it, accept it from them and keep yourself from (fighting) them. If they refuse to give Jizyah, seek for Allah's help and fight them. When you besiege a fort whose people appeal to you to let them out according to Allah's Command, do not let them out according to Allah's Command, but do that

[ت88/م81] ـ باب في المصحف يُسَافَر به إلى أَرض العدو

2610 ـ حدّثنا عَبْدُ اللَّهِ بنُ مَسْلَمَةَ القَعْنَبيُّ، عن مَالِكٍ، عن نَافِعٍ أَنَّ عَبْدَ اللَّهِ بنَ عُمَرَ قالَ: «نَهَى رَسُولُ اللَّهِ ﷺ أَن يُسَافَرَ بِالْقُرْآنِ إِلَى أَرْضِ الْعَدُوِّ» قالَ مَالِكٌ: «أُرَاهُ مَخَافَةَ أَنْ يَنَالَهُ العَدُوُّ».

[ت89/م...] ـ باب فيما يستحب من الجيوش والرفقاء والسرايا

2611 ـ حدّثنا زُهَيْرُ بنُ حَرْبٍ أَبُو خَيْثَمَةَ: حدَّثنا وَهْبُ بنُ جَرِيرٍ: حدَّثنا أَبِي، قالَ: سَمِعْتُ يُونُسَ، عن الزُّهْرِيِّ، عن عُبَيْدِ اللَّهِ بنِ عَبْدِ اللَّهِ، عن ابنِ عَبَّاسٍ، عن النَّبيِّ ﷺ قالَ: «**خَيْرُ الصَّحَابَةِ أَرْبَعَةٌ وَخَيْرُ السَّرَايَا أَرْبَعُمائَةٍ، وَخَيْرُ الْجُيُوشِ أَرْبَعَةُ آلافٍ، وَلَنْ يُغْلَبَ اثْنَا عَشَرَ أَلْفًا مِنْ قِلَّةٍ**».

قال أَبُو دَاوُدَ: وَالصَّحِيحُ أَنَّهُ مُرْسَلٌ.

[ت90/م82] ـ باب في دعاء المشركين

2612 ـ حدّثنا مُحَمَّدُ بنُ سُلَيْمَانَ الأَنْبَارِيُّ: حدَّثنا وَكِيعٌ، عن سُفْيَانَ، عن عَلْقَمَةَ بنِ مَرْثَدٍ، عن سُلَيْمَانَ بنِ بُرَيْدَةَ، عن أَبِيهِ قالَ: كَانَ رَسُولُ اللَّهِ ﷺ إِذَا بَعَثَ أَمِيرًا عَلَى سَرِيَّةٍ أَوْ جَيْشٍ أَوْصَاهُ بِتَقْوَى اللَّهِ في خَاصَّةِ نَفْسِهِ وَبِمَنْ مَعَهُ مِنَ الْمُسْلِمِينَ خَيْرًا، وَقالَ: «**إِذَا لَقِيتَ عَدُوَّكَ مِنَ الْمُشْرِكِينَ فَادْعُهُمْ إِلَى إِحْدَى ثَلاَثِ خِصَالٍ، أَوْ خِلاَلٍ، فَأَيَّتُهَا ما أَجَابُوكَ إِلَيْهَا فَاقْبَلْ مِنْهُم وَكُفَّ عَنْهُمْ: أُدْعُهُمْ إِلَى الإِسْلاَمِ فإِنْ أَجابوك فَاقْبَلْ مِنْهُمْ وَكُفَّ عَنْهُمْ، ثُمَّ ادْعُهُمْ إِلى التَّحَوُّلِ مِنْ دَارِهِمْ إِلَى دَارِ الْمُهَاجِرِينَ وَأَعْلِمْهِمْ أَنَّهُمْ إِنْ فَعَلُوا ذَلِكَ أَنَّ لَهُمْ مَا لِلْمُهَاجِرِينَ وَأَنَّ عَلَيْهِمْ مَا عَلَى الْمُهَاجِرِينَ، فَإِنْ أَبَوْا وَاخْتَارُوا دَارَهُم فَأَعْلِمْهُمْ أَنَّهُمْ يَكُونُونَ كَأَعْرَابِ الْمُسْلِمِينَ يُجْرَى عَلَيْهِمْ حُكْمُ اللَّهِ الَّذِي يُجْرَى عَلَى الْمُؤْمِنِينَ، وَلاَ يَكُونُ لَهُمْ في الْفَيْءِ وَالْغَنِيمَةِ نَصِيبٌ إِلاَّ أَنْ يُجَاهِدُوا مَعَ الْمُسْلِمِينَ. فَإِنْ هُمْ أَبَوْا فَادْعُهُمْ إِلَى إِعْطَاءِ الْجِزْيَةِ فإِنْ أَجَابُوا فَاقْبَلْ مِنْهُم وَكُفَّ عَنْهُمْ، فَإِنْ أَبَوْا فَاسْتَعِنْ بِاللَّهِ وَقَاتِلْهُمْ، وإِذَا حَاصَرْتَ أَهْلَ حِصْنٍ فَأَرَادُوكَ أَنْ تُنْزِلَهُمْ**

according to your own command, for you do not know whether you will be able to implement Allah's command regarding them."

Sufyan Ibn Uyainah said: Alqamah said: I related this narration to Muqatil Ibn Hayyan, who related to me The same from Muslim from An-Nu'man Ibn Muqarrin from the Messenger of Allah "Allah's blessing and peace be upon him".

2613- It is narrated on the authority of Sulaiman Ibn Buraidah from his father: The Messenger of Allah "Allah's blessing and peace be upon him" said (to the military expedition): "Fight in the name of Allah and in the cause of Allah. Fight against those who disbelieve in Allah. Fight and do not misappropriate (the spoils). You should neither break your pledge, nor should you mutilate (the dead) bodies. You should not also kill the children."

2614- It is narrated on the authority of Anas Ibn Malik that the Messenger of Allah "Allah's blessing and peace be upon him" said (to the military expedition): "Proceed on in the Name of Allah, and in accordance with the cult of the Messenger of Allah "Allah's blessing and peace be upon him", and kill no old man, nor child, nor boy, nor woman, and do not commit misappropriation; and join your booty and mend your deed, and do good, for Allah loves such as do good."

[91] What About Burning In The Land Of Enemy?

2615- It is narrated on the authority of Ibn Umar that he said: Allah's Apostle "Allah's blessing and peace be upon him" had the date-palm trees of Banu An-Nadir burnt and cut down at a place called Al-Buwairah. Allah then revealed: "What you cut down of the date-palm trees (of the enemy) or you left them standing on their stems, it was by Allah's Permission."
(The Mustering "Al-Hashr" 5)

2616- It is narrated on the authority of Urwah that he said: Usamah told me that the Messenger of Allah "Allah's blessing and peace be upon him" said to me: "Attack Ubna (a town in Palestine, between Ramlah and Asqalan) in the morning, and burn (their property)."

2617- It is narrated on the authority of Mushar that it was said to him: What is Ubna? He said: We have better knowledge of that: It is Ubna of Palestine.

عَلَى حُكْمِ اللَّهِ تعالى فَلاَ تُنْزِلْهُمْ فَإِنَّكُمْ لاَ تَدْرُونَ مَا يَحْكُمُ اللَّهِ فِيهِمْ وَلٰكِنْ أَنْزِلُوهُمْ عَلَى حُكْمِكُمْ ثُمَّ اقْضُوا فِيهِمْ بَعْدُ ما شِئْتُمْ».

قال سُفْيَانُ بنُ عُيَيْنَةَ: قالَ عَلْقَمَةُ: فَذَكَرْتُ هَذَا الحَدِيثَ لِمُقَاتِلِ بنِ حَيَّانَ فَقالَ: حَدَّثَنِي مُسْلِمٌ.

قال أَبُو دَاوُدَ: هُوَ ابنُ هَيْصَمَ، عن النُّعْمَانِ بنِ مُقَرِّنٍ، عن النَّبيِّ ﷺ مِثْلَ حَدِيثِ سُلَيْمَانَ بنِ بُرَيْدَةَ.

2613 ـ حدّثنا أَبُو صَالِحٍ الأَنْطَاكِيُّ مَحْبُوبُ بنُ مُوسَى: أَخبرنا أَبُو إِسْحَاقَ الْفَزَارِيُّ، عن سُفْيَانَ، عن عَلْقَمَةَ بنِ مَرْثَدٍ، عن سُلَيْمَانَ بنِ بُرَيْدَةَ، عن أَبِيهِ أَنَّ النَّبيَّ ﷺ قال: «**اغْزُوا باسْمِ اللَّهِ، وفي سَبِيلِ اللَّهِ وَقَاتِلُوا مَنْ كَفَرَ باللَّهِ وَلا تَغْدُرُوا، وَلا تَغُلُّوا، وَلا تُمَثِّلُوا، وَلاَ تَقْتُلُوا وَلِيدًا**».

2614 ـ حدّثنا عُثْمَانُ بنُ أَبي شَيْبَةَ: حدَّثنا يَحْيَى بنُ آدَمَ، وَعُبَيْدُ اللَّهِ بنُ مُوسَى، عن حَسَنِ بنِ صَالِحٍ، عن خَالِدِ بنِ الْفِزْرِ: حدَّثني أَنَسُ بنُ مَالِكٍ أَنَّ رَسُولَ اللَّهِ ﷺ قال: «**انْطَلِقُوا باسْمِ اللَّهِ وَباللَّهِ وَعَلَى مِلَّةِ رَسُولِ اللَّهِ، وَلا تَقْتُلُوا شَيخًا فَانِيًا وَلاَ طِفْلاً وَلا صَغيرًا وَلا امْرَأَةً، وَلا تَغُلُّوا وَضُمُّوا غَنَائِمَكُم وَأَصْلِحُوا ﴿وَأَحْسِنُوا إِنَّ اللَّهَ يُحِبُّ الْمُحْسِنِينَ﴾**».

[ت91/م83] ـ باب في الحرق في بلاد العدو

2615 ـ حدّثنا قُتَيْبَةُ بنُ سَعِيدٍ: حدَّثنا اللَّيْثُ، عن نَافِعٍ، عن ابنِ عُمَرَ: «أَنَّ رَسُولَ اللَّهِ ﷺ حَرَّقَ نَخِيلَ بَنِي النَّضِيرِ وَقَطَّعَ وَهِيَ الْبُوَيْرَةُ، فَأَنْزَلَ اللَّهِ عَزَّ وَجَلَّ: ﴿مَا قَطَعْتُم مِّن لِّينَةٍ أَوْ تَرَكْتُمُوهَا﴾ [الحشر: 5]».

2616 ـ حدّثنا هَنَّادُ بنُ السَّرِيِّ، عن ابنِ الْمُبَارَكِ، عن صَالِحِ بنِ أَبي الأَخْضَرِ، عن الزُّهْرِيِّ قال عُرْوَةُ: فَحدَّثني أُسَامَةُ: أَنَّ رَسُولَ اللَّهِ ﷺ كَانَ عَهِدَ إِلَيْهِ فقال: «**أَغِرْ عَلَى أُبْنَى صَبَاحًا وَحَرِّقْ**».

2617 ـ حدّثنا عَبْدُ اللَّهِ بنُ عَمْرٍو الْغَزِّيُّ، سَمِعْتُ أَبَا مُسْهِرٍ قِيلَ لَهُ: أُبْنَى، قال: نَحْنُ أَعْلَمُ هِيَ يُبْنَى فِلَسْطِينَ.

[92] Sending Reconnoiterers

2618- It is narrated on the authority of Anas that he said: The Messenger of Allah "Allah's blessing and peace be upon him" sent Busaisah as a reconnoiterer, to see what had happened to the caravan of Abu Sufyan.

[93] The Wayfarer Eats Of The Dates And Drinks From The Milk When He Comes Upon That

2619- It is narrated on the authority of Samurah Ibn Jundub that the Messenger of Allah "Allah's blessing and peace be upon him" said: "When anyone of you comes upon a herd of cattle and sheep with its owner, let him take his permission and if he gives him permission, let him milk and drink; and in case he does not find the owner, let him call upon him thrice: if he answers him let him take his permission, and if he does not answer him, let him milk and drink properly, on the condition that he should carry nothing of that with him."

2620- It is narrated on the authority of Abbad Ibn Shurahbil that he said: I was afflicted by a famine year, and I came upon a field of somebody in Medina, from which I picked up an ear (of wheat) which I rubbed, ate what it had, and put it in my garment. Then, the owner of the field came and beat me, and took my garment. I came to the Messenger of Allah "Allah's blessing and peace be upon him", and made a mention of that to him, thereupon he said: "You neither instructed him when he was ignorant (that he has only what falls down from the branches) nor did you give him food when he was hungry (or given to starvation)." The Messenger of Allah "Allah's blessing and peace be upon him" ordered the man to give back his garment to him, and he ordered that a Wasaq or half a Wasaq of food be given to him.

2621- It is narrated on the authority of Abu Bishr that he said: I heard Abbad Ibn Shurahbil having said the same.

[94] The Opinion That One In Such A Similar State Should Eat Only Of What Falls Down

2622- It is narrated on the authority of Abu Rafi' Ibn Amr Al-Ghifari that he said: when I was still a boy, I used to throw (with pebbles) our date-palms, or the date-palms of the Ansar, and then I was brought to the Messenger of Allah "Allah's blessing and peace be upon him", who said to me: "O boy! Why do you throw (with pebbles) the date-palms?" I said: "In order to eat out of them." On that he said: "Then, do not throw them (with pebbles), and rather eat of what falls down underneath them." He passed his hand over my head and said: "O Allah! Satisfy his abdomen!"

[ت92/م84] ـ باب في بَعْث العيون

2618 ـ حدّثنا هَارُونُ بنُ عَبْدِ اللَّهِ: حدَّثنا هَاشِمُ بنُ الْقَاسِمِ: حدَّثنا سُلَيْمَانُ ـ يَعني ابنَ المُغِيرَةِ ـ، عن ثَابِتٍ، عن أَنَسٍ قال: «بَعَثَ ـ يَعني النَّبيُّ ﷺ ـ بُسَيْسَةَ عَيْنًا يَنْظُرُ مَا صَنَعَتْ عِيرُ أَبي سُفْيَانَ».

[ت93/م85] ـ باب في ابنِ السبيل يأكل من التمر ويشربُ من اللبنِ إذا مرّ به

2619 ـ حدّثنا عَيَّاشُ بنُ الْوَلِيدِ الرَّقَّامُ: حدَّثنا عَبْدُ الأعْلَى: حدَّثنا سَعِيدٌ، عن قَتَادَةَ، عن الْحَسَنِ، عن سَمُرَةَ بنِ جُنْدَبٍ أَنَّ نَبيَّ اللَّهِ ﷺ قال: «**إذَا أَتَى أَحَدُكُم عَلَى مَاشِيَةٍ فإنْ كَانَ فِيهَا صَاحِبُهَا فَلْيَسْتَأْذِنْهُ، فإنْ أَذِنَ لَهُ فَلْيَحْتَلِبْ وَلْيَشْرَبْ، وإنْ لَمْ يَكُنْ فيهَا فَلْيُصَوِّتْ ثَلاثًا، فإنْ أَجَابَهُ فَلْيَسْتَأْذِنْهُ وَإلاَّ فَلْيَحْتَلِبْ وَلْيَشْرَبْ وَلا يَحْمِلْ**».

2620 ـ حدّثنا عُبَيْدُ اللَّهِ بنُ مُعَاذٍ الْعَنْبَرِيُّ: حدَّثنا أَبي، قال: حدَّثنا شُعْبَةُ، عن أَبي بِشْرٍ، عن عَبَّادِ بنِ شُرَحْبِيلَ قال: «أَصَابَتنِي سَنَةٌ فَدَخَلْتُ حَائِطًا مِنْ حِيطانِ المَدِينَةِ فَفَرَكْتُ سُنْبُلاً فأَكَلْتُ وَحَمَلْتُ في ثَوْبي، فَجَاءَ صَاحِبُهُ فَضَرَبَنِي وَأَخَذَ ثَوْبي، فَأَتَيْتُ رَسُولَ اللَّهِ ﷺ فَقالَ لَهُ: «**مَا عَلَّمْتَ إذْ كَانَ جَاهِلاً، وَلا أَطْعَمْتَ إذْ كانَ جَائِعًا**»، أَوْ قال «**سَاغِبًا**»، وَأَمَرَهُ فَرَدَّ عَلَيَّ ثَوْبِي وَأَعْطَانِي وَسْقًا أَوْ نِصْفَ وَسْقٍ مِنْ طَعَامٍ».

2621 ـ حدّثنا مُحَمَّدُ بنُ بَشَّارٍ: حدَّثنا مُحَمَّدُ بنُ جَعْفَرٍ، عن شُعْبَةَ، عن أَبي بِشْرٍ قال: سَمِعْتُ عَبَّادَ بنَ شُرَحْبِيلَ رَجُلاً مِنَّا مِنْ بَني غُبَرَ بِمَعْنَاهُ.

[ت94/م...] ـ باب من قال إنه يأكل مما سقط

2622 ـ حدّثنا عُثْمَانُ وَأَبُو بَكْرٍ ابْنَا أَبي شَيْبَةَ، وَهذَا لَفْظُ أَبي بَكْرٍ، عن مُعْتَمِرِ بنِ سُلَيْمَانَ قال: سَمِعْتُ ابنَ أَبي حَكَم الْغِفَارِيَّ يَقُولُ: حدَّثَتْني جَدَّتي، عن عَمِّ أَبي رَافِعِ بنِ عَمْرٍو الْغِفَارِيِّ قال: كُنْتُ غُلامًا أَرْمِي نَخْلَ الأنْصَارِ فَأُتِيَ بِي النَّبيُّ ﷺ فقال: «**يَا غُلامُ لِمَ تَرْمِي النَّخْلَ؟**» قال: آكُلُ، قال: «**فَلاَ تَرْمِي النَّخْلَ وَكُلْ مِمَّا يَسْقُطُ في أَسْفَلِهَا**»، ثُمَّ مَسَحَ رَأْسَهُ فقال: «**اللَّهمَّ أَشْبِعْ بَطْنَهُ**».

[95] The Opinion That One In Such A Similar State Should Not Milk

2623- It is narrated on the authority of Ibn Umar that he said: Allah's Messenger "Allah's blessing and peace be upon him" said: "None (of you) should milk the animal of another but with his permission. Does any one of you like that his chamber be raided, and his vaults be broken, and his foodstuff be taken? Verily the treasures for them (those who keep animals) are the udders of the animals which feed them. So none of you should milk the animal of another but with his permission."

[96] What About Obedience?

2624- It is narrated on the authority of Ibn Juraij that he said: Allah's Statement: "you who believe! obey Allah, and obey the Messenger, and those charged with authority among you" (An-Nisa 59) was revealed in connection with Abdullah Ibn Qais Ibn Adi: The Messenger of Allah "Allah's blessing and peace be upon him" sent him heading a military expedition. As such I was reported by Ya'li from Sa'id Ibn Jubair from Ibn Abbas.

2625- It is narrated on the authority of Ali that The Messenger of Allah "Allah's blessing and peace be upon him" sent an expedition and appointed somebody over them. He kindled a fire and said: "Enter it." Some people decided to enter it (the fire), (in implementation of the order of their leader), but the others said: "We have fled from the fire (since we embraced Islam)." The matter was mentioned to The Messenger of Allah "Allah's blessing and peace be upon him". He said to those who decided to enter (the fire at the order of their leader): "If you had entered it, you would have remained there until the Day of Judgment." He lauded the act of the others and said: "There is no obedience in matters involving Allah's disobedience or displeasure. Obedience is obligatory only in what is good."

2626- It is narrated on the authority of Abdullah Ibn Mas'ud that the Messenger of Allah "Allah's blessing and peace be upon him" said: "To hearken and obey (the ruler) is incumbent upon every Muslim in what he likes and dislikes as long as he is not ordered to do (any act leading to) disobedience: once he is ordered to do (such an act as leading to) disobedience, no hearkening nor obedience is binding upon him."

2627- It is narrated on the authority of Uqbah Ibn Malik that he said: The Messenger of Allah "Allah's blessing and peace be upon him" sent a military expedition, and I provided a man of them with a sword, and when they returned he said: Would that you saw how the Messenger of Allah

[ت95/م86] ـ باب فيمن قال: لا يَحْلُب

2623 ـ حدّثنا عَبْدُ اللَّهِ بنُ مَسْلَمَةَ، عن مَالِكٍ، عن نَافِعٍ، عن عبدِ اللَّهِ بنِ عُمَرَ أَنَّ رَسُولَ اللَّهِ ﷺ قال: «**لا يَحْلُبَنَّ أَحَدٌ مَاشِيَةَ أَحَدٍ بِغَيْرِ إِذْنِهِ، أَيُحِبُّ أَحَدُكُمْ أَنْ تُؤْتَى مَشْرَبَتُهُ فَتُكْسَرَ خِزَانَتُهُ فَيُنْتَثَلَ طَعَامُهُ؟ فإنَّمَا تَخْزُنُ لَهُمْ ضُرُوعُ مَوَاشِيهِم أَطْعِمَتَهُمْ، فَلاَ يَحْلُبَنَّ أَحَدٌ مَاشِيَةَ أَحَدٍ إلاَّ بِإِذْنِهِ**».

[ت96/م87] ـ باب في الطاعة

2624 ـ حدّثنا زُهَيْرُ بنُ حَرْبٍ: حدَّثنا حَجَّاجٌ، قال: «قال ابنُ جُرَيْجٍ: ﴿يَٰٓأَيُّهَا ٱلَّذِينَ ءَامَنُوٓاْ أَطِيعُواْ ٱللَّهَ وَأَطِيعُواْ ٱلرَّسُولَ وَأُوْلِي ٱلۡأَمۡرِ مِنكُمۡۖ﴾ [النساء: 59] في عَبْدِ اللَّهِ بْنِ قَيْسِ بنِ عَدِيٍّ بَعَثَهُ النَّبيُّ ﷺ في سَرِيَّةٍ، أَخْبَرَنِيهُ يَعْلَى، عن سَعِيدِ بنِ جُبَيْرٍ، عن ابنِ عَبَّاسٍ».

2625 ـ حدّثنا عَمْرُو بنُ مَرْزُوقٍ: أخبرنا شُعْبَةُ، عن زُبَيْدٍ، عن سَعْدِ بنِ عُبَيْدَةَ، عن أَبي عَبْدِ الرَّحْمٰنِ السُّلَمِيِّ، عن عَلِيٍّ رضي اللَّهِ عنه: أَنَّ رَسُولَ اللَّهِ ﷺ بَعَثَ جَيْشًا وَأَمَّرَ عَلَيْهِمْ رَجُلاً وَأَمَرَهُمْ أَنْ يَسْمَعُوا لَهُ وَيُطِيعُوا، فَأَجَّجَ نَارًا وَأَمَرَهُمْ أَنْ يَقْتَحِمُوا فِيهَا، فَأَبَى قَوْمٌ أَنْ يَدْخُلُوهَا، وَقالُوا: إِنَّمَا فَرَرْنَا مِنَ النَّارِ، وَأَرَادَ قَوْمٌ أَنْ يَدْخُلُوهَا، فَبَلَغَ ذَلِكَ النَّبيَّ ﷺ فقالَ: «**لَوْ دَخَلُوهَا أَوْ دَخَلُوا فيهَا لَمْ يَزَالُوا فيهَا**»، وَقَالَ: «**لا طَاعَةَ في مَعْصِيَةِ اللَّهِ، إِنَّمَا الطَّاعَةُ في المَعْرُوفِ**».

2626 ـ حدّثنا مُسَدَّدٌ: حدَّثنا يَحيَى، عن عُبَيْدِ اللَّهِ، قال: حَدَّثَني نَافِعٌ، عن عَبْدِ اللَّهِ، عن رَسُولِ اللَّهِ ﷺ أَنَّهُ قالَ: «**السَّمْعُ وَالطَّاعَةُ عَلَى المَرْءِ المُسْلِمِ فِيمَا أَحَبَّ وَكَرِهَ مَا لَمْ يُؤْمَرْ بِمَعْصِيَةٍ، فَإِذَا أُمِرَ بِمَعْصِيَةٍ فَلاَ سَمْعَ وَلاَ طَاعَةَ**».

2627 ـ حدّثنا يَحيَى بنُ مَعِين: حدَّثنا عَبْدُ الصَّمَدِ بنُ عَبْدِ الوَارِثِ: حدَّثنا سُلَيْمَانُ بنُ المُغِيرَةِ: حدَّثنا حُمَيْدُ بنُ هِلاَلٍ، عن بِشْرِ بنِ عَاصِمٍ، عن عُقْبَةَ بنِ مَالِكٍ مِنْ رَهْطِهِ قالَ: بَعَثَ النَّبيُّ ﷺ سَرِيَّةً فَسَلَّحْتُ رَجُلاً مِنْهُمْ سَيْفًا فَلَمَّا رَجَعَ

"Allah's blessing and peace be upon him" blamed us. He said: "Have you failed, when I sent a man of you, who did not comply with my commands, to replace him with another, to comply with my orders?"

[97] Joining The Patches Of Troops

2628- It is narrated on the authority of Abu Tha'labah Al-Khushani that he said: It was the habit that whenever the Messenger of Allah "Allah's blessing and peace be upon him" halted at a resting place, the people would disperse in the surrounding valleys and mountain passes, thereupon the Messenger of Allah "Allah's blessing and peace be upon him" said to them: "No doubt, such a dispersal as of you in the surrounding mountain passes and valleys is out of Satan." Afterwards, he never descended at a resting place but that they would join to each other so much closely that if a garment was spread over them, it would imply all of them.

2629- It is narrated on the authority of Sahl Ibn Mu'adh Ibn Anas Al-Juhani from his father that he said: I took part with the Messenger of Allah "Allah's blessing and peace be upon him" in such and such a holy battle, in which the people made narrow the resting places (on account of their crowd) which blocked the main roads. On that the Messenger of Allah "Allah's blessing and peace be upon him" sent a message that "He, who contributes in making narrow a resting place and blocking the main road, no (reward of) Jihad is assured to him."

2630- It is narrated on the authority of Sahl Ibn Mu'adh Ibn Anas Al-Juhani from his father that he said: We took part with the Messenger of Allah "Allah's blessing and peace be upon him" in such and such a holy battle...and the rest is the same.

[98] It Is Undesirable To Hope For Facing The Enemy

2631- It is narrated on the authority of Musa Ibn Uqbah from Abu An-Nadr that Abdullah Ibn Abu Awfa wrote to Umar Ibn Ubaidullah, when he (the later) proceeded to (fight those of) Haruriyyah (Khawarij), telling him that The Messenger of Allah "Allah's blessing and peace be upon him" said: "O People! Do not hope for facing the enemy, and ask Allah to provide you with power, but if you encounter them, be patiently steadfast, and know that the Paradise is under the shadows of swords (i.e. it would be accessible to you through striking by the swords in the cause of Allah)." Then, The Prophet "Allah's blessing and peace be upon him" stood up and said: "O Allah! The revealer of the Book, the creator of the clouds, the defeater of the (unbelieving) confederates! Defeat those (enemies) and make us emerge victorious over them."

قالَ: لَوْ رَأَيْتَ مَا لاَمَنَا رَسُولُ اللَّهِ ﷺ، قالَ: «**أَعَجَزْتُمْ إِذْ بَعَثْتُ رَجُلاً مِنْكُمْ فَلَمْ يَمْضِ لأَمْرِي أَنْ تَجْعَلُوا مَكَانَهُ مَنْ يَمْضِي لأَمْرِي؟**».

[ت97/م88] ـ باب ما يؤمر من انضمام العسكر وسعته

2628 ـ حدّثنا عَمْرُو بنُ عُثْمَانَ الْحِمْصِيُّ، وَيَزِيدُ بنُ قُبَيْسٍ مِنْ أَهْلِ جَبَلَةَ سَاحِلِ حِمْصَ، وَهَذَا لَفْظُ يَزِيدَ قالاَ: حدَّثنا الْوَلِيدُ بنُ مُسْلِم، عن عَبْدِ اللَّهِ بنِ العَلاَءِ أَنَّهُ سَمِعَ مُسْلِمَ بنَ مِشْكَمٍ أَبَا عُبَيْدِ اللَّهِ يَقُولُ: حدَّثنا أَبُو ثَعْلَبَةَ الْخُشَنِيُّ قال: «كَانَ النَّاسُ إِذَا نَزَلُوا مَنْزِلاً، قَالَ عُمَر: وَكَانَ النَّاسُ إِذَا نَزَلَ رَسُولُ اللَّهِ ﷺ مَنْزِلاً تفرّقُوا في الشِّعَابِ وَالأَوْدِيَةِ، فقالَ رَسُولُ اللَّهِ ﷺ: «**إِنَّ تَفَرُّقَكُمْ فِي هَذِهِ الشِّعَابِ وَالأَوْدِيَةِ إِنَّمَا ذَلِكُمْ مِنَ الشَّيْطَانِ**» فَلَمْ يَنْزِلْ بَعْدَ ذَلِكَ مَنْزِلاً إِلاَّ انْضَمَّ بَعْضُهُمْ إِلَى بَعْضٍ حَتَّى يُقَالُ لَوْ بُسِطَ عَلَيْهِمْ ثَوْبٌ لَعَمَّهُمْ».

2629 ـ حدّثنا سَعِيدُ بنُ مَنْصُورٍ: حدَّثنا إِسْمَاعِيلُ بنُ عَيَّاشٍ، عن أَسِيدِ بنِ عَبْدِ الرَّحْمٰنِ الْخَثْعَمِيِّ، عن فَرْوَةَ بنِ مُجَاهِدٍ اللَّخْمِيِّ، عن سَهْلِ بنِ مُعَاذِ بنِ أَنَسٍ الْجُهَنِيِّ، عن أَبِيهِ قالَ: غَزَوْتُ مع نَبِيِّ اللَّهِ ﷺ غَزْوَةَ كَذَا وَكَذَا فَضَيَّقَ النَّاسُ المَنَازِلَ وَقَطَعُوا الطَّرِيقَ، فَبَعَثَ النَّبِيُّ ﷺ مُنَادِيًا يُنَادِي في النَّاسِ «**أَنَّ مَنْ ضَيَّقَ مَنْزِلاً أَوْ قَطَعَ طَرِيقًا فَلاَ جِهَادَ لَهُ**».

2630 ـ حدّثنا عَمْرُو بنُ عُثْمَانَ: حدَّثنا بَقِيَّةُ، عن الأَوْزَاعِيِّ، عن أَسِيدِ بنِ عَبْدِ الرَّحْمٰنِ، عن فَرْوَةَ بنِ مُجَاهِدٍ، عن سَهْلِ بنِ مُعَاذٍ، عن أَبِيهِ قال: «غَزَوْنَا مَعَ نَبِيِّ اللَّهِ ﷺ»، بِمَعْنَاهُ.

[ت98/م89] ـ باب في كراهية تمنِّي لقاء العدو

2631 ـ حدّثنا أَبُو صَالِحٍ مَحْبُوبُ بنُ مُوسَى: أخبرنا أَبُو إِسْحَاقَ الفَزَارِيُّ، عن مُوسَى بنِ عُقْبَةَ، عن سَالِمٍ أَبِي النَّضْرِ مَوْلَى عُمَرَ بنِ عُبَيْدِ اللَّهِ ـ يَعْنِي ابنَ مَعْمَرٍ ـ وكَانَ كَاتِبًا لَهُ قالَ: كَتَبَ إِلَيْهِ عَبْدُ اللَّهِ بنُ أَبِي أَوْفَى حِينَ خَرَجَ إِلى الْحَرُورِيَّةِ أَنَّ رَسُولَ اللَّهِ ﷺ فِي بَعْضِ أَيَّامِهِ الَّتِي لَقِيَ فِيهَا العَدُوَّ قال: «**يَا أَيُّهَا النَّاسُ لاَ تَتَمَنَّوْا لِقَاءَ العَدُوِّ وَسَلُوا اللَّهَ العَافِيَةَ، فَإِذَا لَقِيتُمُوهُمْ فَاصْبِرُوا وَاعْلَمُوا أَنَّ الْجَنَّةَ تَحْتَ ظِلاَلِ السُّيُوفِ**». ثُمَّ قالَ: «**اللَّهُمَّ مُنْزِلَ الكِتَابِ مُجْرِيَ السَّحَابِ وَهَازِمَ الأَحْزَابِ اهْزِمْهُمْ وَانْصُرْنَا عَلَيْهِمْ**».

[99] Which Supplication One Should Say On Facing The Enemy?

2632- It is narrated on the authority of Anas Ibn Malik that he said: Whenever the Messenger of Allah "Allah's blessing and peace be upon him" was engaged in war he would say:"O Allah! You are My Supporter and my Helper, with You I avert (the evil plots of the enemy), with You I attack (the enemy), and with You I carry on fighting."

[100] The Invocation Pertaining To The Pagans

2633- It is narrated on the authority of Ibn Awn that he said: I sent a letter to Nafi' asking him about the invocation pertaining to the pagans on fighting, thereupon he replied: This was during the early days of Islam: The Messenger of Allah "Allah's blessing and peace be upon him" attacked Banu Al-Mustaliq by surprise, while their cattle and sheep were being watered, thereupon he killed their fighters, and took as captives their women and children; and on that day, he got Juwairiyah Bint Al-Harith. Abdullah related that to me, and he was enrolled in this army.

Abu Dawud says: This narration is good, and it is narrated by Ibn Awn from Nafi, and none shared him in it.

2634- It is narrated on the authority of Anas that it was the habit of the Messenger of Allah "Allah's blessing and peace be upon him" to start attacking the pagans at the time of Morning prayer: if he heard (the voice of) Adhan, he would stop, otherwise, he would carry on the attack.

2635- It is narrated on the authority of Ibn Isam Al-Muzni from his father that he said: The Messenger of Allah "Allah's blessing and peace be upon him" sent us in a military expedition and said: "If you see a mosque or hear (the voice of) Adhan, do not kill anyone."

[101] What About Making Plots In War?

2636- It is narrated on the authority of Jabir that the Messenger of Allah "Allah's blessing and peace be upon him" said: "The war is guile."

2637- It is narrated on the authority of Abd Ar-Rahman Ibn Ka'b Ibn Malik from his father that whenever the Messenger of Allah "Allah's blessing and peace be upon him" intended to set out for a certain holy battle, he would make a public announcement for another one, and say: "The war is guile."

Abu Dawud says: The same is narrated on the authority of both Jabir and Abu Hurairah, through different chains of transmitters.

[ت99/م90] ـ باب ما يُدْعَى عند اللقاء

2632 ـ حدّثنا نَصْرُ بنُ عَلِيٍّ: أخبرنا أَبِي: حدَّثنا المُثَنَّى بنُ سَعِيدٍ، عن قَتَادَةَ، عن أَنَسِ بنِ مَالِكٍ، قالَ: كَانَ رَسُولُ اللَّهِ ﷺ إذَا غَزَا قال: **«اللَّهُمَّ أَنْتَ عَضُدِي وَنَصِيرِي، بِكَ أَحُولُ، وَبِكَ أَصُولُ، وَبِكَ أُقَاتِلُ»**.

[ت100/م91] ـ باب في دعاء المشركين

2633 ـ حدّثنا سَعِيدُ بنُ مَنْصُورٍ: حدَّثنا إسْمَاعِيلُ بنُ إبْرَاهِيمَ: أخبرنا ابنُ عَوْنٍ قال: «كَتَبْتُ إلَى نَافِعٍ أَسْأَلُهُ عن دُعَاءِ المُشْرِكِينَ عِنْدَ القِتَالِ، فَكَتَبَ إلَيَّ: أَنَّ ذٰلِكَ كَانَ في أَوَّلِ الإسْلاَمِ وَقَدْ أَغَارَ نَبِيُّ اللَّهِ ﷺ عَلَى بَنِي المُصْطَلِقِ وَهُمْ غَارُّونَ وَأَنْعَامُهُمْ تُسْقَى عَلَى المَاءِ فَقَتَلَ مُقَاتِلَتَهُمْ وَسَبَى سَبْيَهُمْ وَأَصَابَ يَوْمَئِذٍ جُوَيْرِيَةَ بِنْتَ الْحَارِثِ» حدَّثني بِذٰلِكَ عَبْدُ اللَّهِ وَكَانَ في ذٰلِكَ الْجَيْشِ.

قال أَبُو دَاوُدَ: هٰذَا حَدِيثٌ نَبِيلٌ رَوَاهُ ابنُ عَوْنٍ، عن نَافِعٍ وَلَمْ يُشْرِكْهُ فِيهِ أَحَدٌ.

2634 ـ حدّثنا مُوسَى بنُ إسْمَاعِيلَ: حدَّثنا حَمَّادٌ: أخبرنا ثَابِتٌ، عن أَنَسٍ: «أَنَّ النَّبيَّ ﷺ كَانَ يُغِيرُ عِنْدَ صَلاَةِ الصُّبْحِ وَكَانَ يَتَسَمَّعُ، فَإذَا سَمِعَ أَذَانًا أَمْسَكَ وَإلاَّ أَغَارَ».

2635 ـ حدّثنا سَعِيدُ بنُ مَنْصُورٍ: حدَّثنا سُفْيَانُ، عن عَبْدِ المَلِكِ بنِ نَوْفَلِ بنِ مُسَاحِقٍ، عن ابنِ عِصَامٍ المُزَنِيِّ، عن أَبِيهِ قالَ: بَعَثَنَا رَسُولُ اللَّهِ ﷺ فِي سَرِيَّةٍ فَقَالَ: **«إذَا رَأَيْتُمْ مَسْجِدًا أَوْ سَمِعْتُمْ مُؤَذِّنًا فَلاَ تَقْتُلُوا أَحَدًا»**.

[ت101/م92] ـ باب المكر في الحرب

2636 ـ حدّثنا سَعِيدُ بنُ مَنْصُورٍ: حدَّثنا سُفْيَانُ، عن عَمْرٍو أَنَّهُ سَمِعَ جَابِرًا أَنَّ رَسُولَ اللَّهِ ﷺ قالَ: **«الْحَرْبُ خَدْعَةٌ»**.

2637 ـ حدّثنا مُحَمَّدُ بنُ عُبَيْدٍ: حدَّثنا ابنُ ثَوْرٍ، عن مَعْمَرٍ، عن الزُّهْرِيِّ، عن عَبْدِ الرَّحْمٰنِ بنِ كَعْبِ بنِ مَالِكٍ، عن أَبِيهِ: أَنَّ النَّبيَّ ﷺ كَانَ إذَا أَرَادَ غَزْوَةً وَرَّى غَيْرَهَا وَكَانَ يَقُولُ: **«الْحَرْبُ خَدْعَةٌ»**.

قال أَبُو دَاوُدَ: لَمْ يَجِىءْ بِهِ إلاَّ مَعْمَرٌ يُرِيدُ قَوْلَهُ: «الْحَرْبُ خُدْعَةٌ» بِهٰذَا الإسْنَادِ إنَّمَا يُرْوَى مِنْ حَدِيثِ عَمْرِو بنِ دِينَارٍ، عن جَابِرٍ، وَمِنْ حَدِيثِ مَعْمَرٍ، عن هَمَّامِ بنِ مُنَبِّهٍ، عن أَبِي هُرَيْرَةَ. وخَرَّج مسلم الطريقين.

[102] Attacking The Enemy At Night

2638- It is narrated on the authority of Iyas Ibn Salamah Ibn Al-Akwa' from his father that he said: The Messenger of Allah "Allah's blessing and peace be upon him" appointed Abu Bakr as our leader in a military expedition, and we attacked some people from amongst the pagans at night by surprise, and our slogan this night was: "Cause (your enemy) to die! Cause (your enemy) to die!" On that night, I killed seven with my own hand.

[103] Adhering To The Rear To Drive The People

2639- It is narrated on the authority of Jabir that he said: It was the habit of the Messenger of Allah "Allah's blessing and peace be upon him" to be in the rear in order to drive and help the weak among them in front of him, make ride behind him such as was in need of that, and invoke good upon them.

[104] For Which Should The Pagans Be Fought?

2640- It is narrated on the authority of Abu Hurairah that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "I've been ordered to fight the people until they say: "There is no god (to be worshipped) but Allah": if they say so, their property and blood would be saved from me except legally, and their reckoning is with Allah Almighty."

2641- It is narrated on the authority of Anas Ibn Malik that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "I have been ordered (by Allah) to fight people until they testify that there is no God (to be worshipped) but Allah, and that Muhammad is the Apostle of Allah. If they said this, prayed like us, faced our Qiblah, and slaughtered as we slaughter (the animal according to Islamic law on which Allah's name should be mentioned) then their blood and property would be kept (as being sacred) from me (except within the rights of law), and they would further have the same rights and obligations as other Muslims have."

2642- It is narrated on the authority of Anas Ibn Malik that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "I have been ordered (by Allah) to fight the pagans..."and the rest is the same.

2643- It is narrated on the authority of Usamah Ibn Zaid that he said: The Messenger of Allah "Allah's blessing and peace be upon him" sent us in a military detachment to attack the people of Al-Huruqat, who made a plot therewith they were able to flee away. We caught hold of a man who said once we attacked him: "There is no god but Allah." But, we struck him

[ت102/م93] ـ باب في البيات

2638 ـ حدّثنا الْحَسَنُ بنُ عَلِيٍّ: حدَّثنا عَبْدُ الصَّمَدِ وَأَبُو عَامِرٍ، عن عِكْرِمَةَ بنِ عَمَّارٍ: حدَّثنا إيَاسُ بنُ سَلَمَةَ، عن أَبِيهِ قالَ: «أَمَّرَ رَسُولُ اللَّهِ ﷺ عَلَيْنَا أَبَا بَكْرٍ رضي اللَّهِ عنه فَغَزَوْنَا نَاسًا مِنَ الْمُشْرِكِينَ فَبَيَّتْنَاهُمْ نَقْتُلُهُمْ وَكَانَ شِعَارُنَا تِلْكَ اللَّيْلَةَ أَمِتْ أَمِتْ. قالَ سَلَمَةُ: فَقَتَلْتُ بِيَدِي تِلْكَ اللَّيْلَةَ سَبْعَةَ أَهْلِ أَبْيَاتٍ مِنَ الْمُشْرِكِينَ».

[ت103/م94] ـ باب في لزوم الساقة

2639 ـ حدّثنا الْحَسَنُ بنُ شَوْكَرٍ: حدَّثنا إسْمَاعِيلُ بنُ عُلَيَّةَ: حدَّثنا الْحَجَّاجُ بنُ أَبِي عُثْمَانَ، عن أَبِي الزُّبَيْرِ أَنَّ جَابِرَ بنَ عَبْدِ اللَّهِ حَدَّثَهُمْ قالَ: «كَانَ رَسُولُ اللَّهِ ﷺ يَتَخَلَّفُ فِي الْمَسِيرِ فَيُزْجِي الضَّعِيفَ وَيُرْدِفُ وَيَدْعُو لَهُمْ».

[ت104/م95] ـ باب على ما يُقَاتَلُ المشركون؟

2640 ـ حدّثنا مُسَدَّدٌ: حدَّثنا أَبُو مُعَاوِيَةَ، عن الأَعْمَشِ، عن أَبِي صَالِحٍ، عن أَبِي هُرَيْرَةَ قالَ: قالَ رَسُولُ اللَّهِ ﷺ: **«أُمِرْتُ أَنْ أُقَاتِلَ النَّاسَ حَتَّى يَقُولُوا لاَ إِلٰهَ إلاَّ اللَّهُ، فَإِذَا قَالُوهَا مَنَعُوا مِنِّي دِمَاءَهُمْ وَأَمْوَالَهُمْ إلاَّ بِحَقِّهَا وَحِسَابُهُمْ عَلَى اللَّهِ عَزَّ وَجَلَّ»**.

2641 ـ حدّثنا سَعِيدُ بنُ يَعْقُوبَ الطَّالَقَانِيُّ: حدَّثنا عَبْدُ اللَّهِ بنُ الْمُبَارَكِ، عن حُمَيْدٍ، عن أَنَسٍ قالَ: قالَ رَسُولُ اللَّهِ ﷺ: **«أُمِرْتُ أَنْ أُقَاتِلَ النَّاسَ حَتَّى يَشْهَدُوا أَنْ لاَ إِلٰهَ إلاَّ اللَّهُ وَأَنَّ مُحَمَّدًا عَبْدُهُ وَرَسُولُهُ، وَأَنْ يَسْتَقْبِلُوا قِبْلَتَنَا، وَأَنْ يَأْكُلُوا ذَبِيحَتَنَا، وَأَنْ يُصَلُّوا صَلاَتَنا، فإِذَا فَعَلُوا ذٰلِكَ حَرُمَتْ عَلَيْنَا دِمَاؤُهُمْ وَأَمْوَالُهُمْ إلاَّ بِحَقِّهَا، لَهُمْ مَا لِلْمُسْلِمينَ وَعَلَيْهِمْ مَا عَلَى الْمُسْلِمِينَ»**.

2642 ـ حدّثنا سُلَيْمَانُ بنُ دَاوُدَ الْمَهْرِيُّ: أخبرنا ابنُ وَهْبٍ قال: أَخبَرَني يَحْيَى بنُ أَيُّوبَ، عن حُمَيْدٍ الطَّوِيلِ، عن أَنَسِ بنِ مَالِكٍ قالَ: قالَ رَسُولُ اللَّهِ ﷺ: **«أُمِرْتُ أَنْ أُقَاتِلَ الْمُشْرِكِينَ»** بِمَعْنَاهُ.

2643 ـ حدّثنا الْحَسَنُ بنُ عَلِيٍّ، وَعُثْمَانُ بنُ أَبِي شَيْبَةَ، الْمَعْنَى، قالاَ: حدَّثنا يَعْلَى بنُ عُبَيْدٍ، عن الأَعْمَشِ، عن أَبِي ظَبْيَانَ: حدَّثنا أُسَامَةُ بنُ زَيْدٍ قال: «بَعَثَنَا رَسُولُ اللَّهِ ﷺ سَرِيَّةً إلى الْحُرَقَاتِ فَنَذِرُوا بِنَا فَهَرَبُوا فَأَدْرَكْنَا رَجُلاً، فَلَمَّا غَشِينَاهُ قال لاَ إِلٰهَ إلاَّ اللَّهُ فَضَرَبْنَاهُ حَتَّى قَتَلْنَاهُ، فَذَكَرْتُهُ للنَّبِيِّ ﷺ فقالَ: **«مَنْ لَكَ بِلاَ إِلٰهَ إلاَّ اللَّهُ**

to death. I made a mention of it to the Prophet "Allah's blessing and peace be upon him", who asked: "What would you do with (his testimony) "There is no god but Allah" on the Day of Judgement?" I said: "O Messenger of Allah! He only said it for fear of the weapon." He (the Prophet) said: "Did you split open his heart to find out whether he had declared it (out of belief in it) or not? What would you do with (his testimony) "There is no god but Allah" on the Day of Judgement?" He went on repeating it to me till I wished I had embraced Islam (only from) that day.

2644-It is narrated on the authority of Ubaidullah Ibn Adi Ibn Al-Khiyar that Al-Miqdad Ibn Al-Aswad told him: I said: "O Messenger of Allah! Suppose I met one of the infidels and we fought, and he struck one of my hands with his sword and cut it off; then he took refuge in a tree and said: "I surrender to Allah (in Islam), could I kill him, O Allah's Apostle, after he had said this?" Allah's Apostle "Allah's blessing and peace be upon him" said: "You should not kill him." Al-Miqdad said: "O Allah's Apostle! But he had cut off one of my two hands, and then he uttered those words." Allah's Apostle "Allah's blessing and peace be upon him" replied: "You should not kill him, for if you killed him, he would be in your position where you had been before killing him, and you would be in his position where he had been before uttering those words."

[105] It Is Forbidden To Kill Such As Holds Fast To The Posture Of Prostration

2645-It is narrated on the authority of Jarir Ibn Abdullah that he said: The Messenger of Allah "Allah's blessing and peace be upon him" sent a military expedition to (the tribe of) Khath'am, and some of them held fast to the posture of prostration (to protect themselves from being killed), but these (Muslims) hastened to kill them. When the news of that reached the Messenger of Allah "Allah's blessing and peace be upon him", he ordered that half the blood-wet (of their killed persons) should be given to them, and he said: "I have nothing to do with every Muslim who lives among the pagans." They asked: "What is the reason for that O Messenger of Allah?" he said: "Let not (the Muslims live with the pagans with their houses too close to them that) their fires become visible to each other."

[106] Fleeing Away From The Battlefield On The Day Of Fighting

2646-it is narrated on the authority of Ibn Abbas: When Allah Almighty revealed: "If there are twenty amongst you, patiently persevering, they will vanquish two hundred..." it was hard upon the believers, particularly with Allah's enjoining upon them that if there is only one of them facing ten (of the

يَوْمَ الْقِيَامَةِ؟» فَقُلْتُ: يَا رَسُولَ اللَّهِ إِنَّمَا قَالَهَا مَخَافَةَ السِّلاَحِ. قَالَ: «**أَفَلاَ شَقَقْتَ عَنْ قَلْبِهِ حَتَّى تَعْلَمَ مِنْ أَجْلِ ذٰلِكَ قَالَهَا أَمْ لاَ؟ مَنْ لَكَ بِلاَ إِلٰهَ إِلاَّ اللَّهُ يَوْمَ الْقِيَامَةِ؟**» فَمَا زَالَ يَقُولُهَا حَتَّى وَدِدْتُ أَنِّي لَمْ أُسْلِمْ إِلاَّ يَوْمَئِذٍ».

2644 ـ حدّثنا قُتَيْبَةُ بنُ سَعِيدٍ، عن اللَّيْثِ، عن ابنِ شِهَابٍ، عن عَطَاءِ بنِ يَزِيدَ اللَّيْثِيِّ، عن عُبَيْدِ اللَّهِ بنِ عَدِيِّ بنِ الْخِيَارِ، عن الْمِقْدَادِ بنِ الأَسْوَدِ أَنَّهُ أَخْبَرَهُ أَنَّهُ قالَ: يَا رَسُولَ اللَّهِ أَرَأَيْتَ إِنْ لَقِيتُ رَجُلاً مِنَ الْكُفَّارِ فَقَاتَلَنِي فَضَرَبَ إِحْدَى يَدَيَّ بالسَّيْفِ ثُمَّ لاَذَ مِنِّي بِشَجَرَةٍ، فَقَالَ: أَسْلَمْتُ للَّهِ، أَفَأَقْتُلُهُ يَا رَسُولَ اللَّهِ بَعْدَ أَنْ قَالَهَا؟ قال رَسُولُ اللَّهِ ﷺ: «**لاَ تَقْتُلْهُ**»، فَقُلْتُ: يَا رَسُولَ اللَّهِ إِنَّهُ قَطَعَ يَدِي، قال رَسُولُ اللَّهِ ﷺ: «**لاَ تَقْتُلْهُ، فَإِنْ قَتَلْتَهُ فَإِنَّهُ بِمَنْزِلَتِكَ قَبْلَ أَنْ تَقْتُلَهُ، وَأَنْتَ بِمَنْزِلَتِهِ قَبْلَ أَنْ يَقُولَ كَلِمَتَهُ الَّتِي قالَ**».

[ت105/م...] ـ باب النهي عن قتل من اعتصم بالسجود

2645 ـ حدّثنا هَنَّادُ بنُ السَّرِيِّ: حدَّثنا أَبُو مُعَاوِيَةَ، عن إِسْمَاعِيلَ، عن قَيْسٍ، عن جَرِيرِ بنِ عَبْدِ اللَّهِ قال: بَعَثَ رَسُولُ اللَّهِ ﷺ سَرِيَّةً إلى خَثْعَمٍ، فَاعْتَصَمَ نَاسٌ مِنْهُمْ بالسُّجُودِ، فَأَسْرَعَ فيهم الْقَتْلَ. قال: فَبَلَغَ ذٰلِكَ النَّبِيَّ ﷺ فَأَمَرَ لَهُمْ بِنِصْفِ الْعَقْلِ وَقالَ: «**أَنَا بَرِيءٌ مِنْ كُلِّ مُسْلِمٍ يُقِيمُ بَيْنَ أَظْهُرِ الْمُشْرِكِينَ**». قالُوا: يَا رَسُولَ اللَّهِ: لِمَ؟ قال: «**لا تراءى نَارَاهُمَا**».

قال أَبُو دَاوُدَ: رَوَاهُ هُشَيْمٌ وَمَعْمَرٌ وَخَالِدٌ الْوَاسِطِيُّ وَجَمَاعَةٌ لم يَذْكُرُوا جَرِيرًا.

[ت106/م96] ـ باب في التولي يوم الزحف

2646 ـ حدّثنا أَبُو تَوْبَةَ الرَّبِيعُ بنُ نَافِعٍ: حدَّثنا ابنُ الْمُبَارَكِ، عن جَرِيرِ بنِ حَازِمٍ، عن الزُّبَيْرِ بنِ خِرِّيتٍ، عن عِكْرِمَةَ، عن ابنِ عَبَّاسٍ قال: «نَزَلَتْ ﴿إِن يَكُن مِّنكُمْ عِشْرُونَ صَٰبِرُونَ يَغْلِبُوا۟ مِا۟ئَتَيْنِ﴾ [الأنفال: 65] فَشَقَّ ذٰلِكَ عَلَى الْمُسْلِمِينَ حِينَ فَرَضَ اللَّه عَلَيْهِمْ أَنْ لا يَفِرَّ وَاحِدٌ مِنْ عَشْرَةٍ، ثُمَّ إِنَّهُ جَاءَ

unbelievers), he should not flee. Then, this task was lightened when Allah Almighty said: "For the present, Allah hath lightened the (burden) of you, for He knoweth that there is (some) weakness in you. But (even so), if there are a hundred of you, patiently persevering, they will vanquish two hundred, and if a thousand, they will vanquish two thousand." In this way, Allah lightened their burden, and in return for that, He reduced their patience and steadfastness as much as their task was lightened.

2647- It is narrated on the authority of Ibn Umar: I was in a certain military expedition sent by the Messenger of Allah "Allah's blessing and peace be upon him" when the people were put to trouble and then they retreated, and I was one of them. When we emerged (and gathered) we said (to one another): "What would we do since we fled away from the hostile array, and thus incurred Allah's wrath upon ourselves?" then, we said: "Let's enter into Medina and hide ourselves there, so that none would be able to see us." Then, when we entered Medina, we said: "Let's display ourselves to the Messenger of Allah "Allah's blessing and peace be upon him": if there is repentance for us, we shall stay, otherwise, we should go back." We sat in expectation for the Messenger of Allah "Allah's blessing and peace be upon him" before the Morning Prayer, and when he came out we stood and went towards him and said: "We're the escapers (from the battlefield)." On that he came towards us and said: "Nay, you're rather the turners (to your troop)." We then came close to him and kissed his hand. Then he said: "I'm (your troop, as well as I'm) the troop of all the Muslims."

2648- It is narrated on the authority of Abu Sa'id Al-Khudri that he said: Allah's following statement was revealed in connection with the day of (the holy battle of) Badr: "If any do turn his back to them on such a day - unless it be in a stratagem of war, or to retreat to a troop (of his own) - he draws on himself the wrath of Allah, and his abode is Hell, an Evil refuge (indeed)!" (Al-Anfal 16)

[107] When A War Prisoner Is Forced To Renegade To Infidelity Under Compulsion

2649- It is narrated on the authority of Khabbab that he said: We complained to Allah's Apostle "Allah's blessing and peace be upon him" (of the persecution inflicted on us by the infidels) while he was sitting in the shade of the Ka'bah, leaning over his covering sheet. We said to him: "Wouldn't you seek help for us? Wouldn't you pray to Allah for us?" He sat for a while, with his face turning red (on account of anger), and then he said: "Among the nations before you, a (believing) man would be put in a

تَخْفِيفٌ فقال ﴿ٱلْـَٔـٰنَ خَفَّفَ ٱللَّهُ عَنكُمْ وَعَلِمَ أَنَّ فِيكُمْ ضَعْفًا﴾ [الأنفال: 66] ـ قَرَأَ أَبُو تَوْبَةَ إلى قَوْلِهِ ﴿يَغْلِبُوا۟ مِا۟ئَتَيْنِ﴾ ـ قال: فَلَمَّا خَفَّفَ اللَّهِ عَنْهُمْ مِنَ الْعِدَّةِ نَقَصَ مِنَ الصَّبْرِ بِقَدْرِ مَا خَفَّفَ عَنْهُمْ».

2647 ـ حدّثنا أَحْمَدُ بنُ يُونُسَ: حدَّثنا زُهَيْرٌ: حدَّثنا يَزِيدُ بنُ أَبي زِيَادٍ أَنَّ عَبْدَ الرَّحْمٰنِ بنَ أَبي لَيْلَى حَدَّثَهُ أَنَّ عَبْدَ اللَّهِ بنَ عُمَرَ حَدَّثَهُ: أَنَّهُ كَانَ في سَرِيَّةٍ مِنْ سَرَايا رَسُولِ اللَّهِ ﷺ. قال: فَحَاصَ النَّاسُ حَيْصَةً فَكُنْتُ فِيمَنْ حَاصَ، قال: فَلَمَّا بَرَزْنَا. قُلْنَا: كَيْفَ نَصْنَعُ وَقَدْ فَرَرْنَا مِنَ الزَّحْفِ وَبُؤْنَا بِالْغَضَبِ؟ فَقُلْنَا: نَدْخُلُ الْمَدِينَةَ فَنَثْبُتُ فِيهَا وَنَذْهَبُ وَلاَ يَرَانَا أَحَدٌ، قال: فَدَخَلْنَا فَقُلْنَا لَوْ عَرَضْنَا أَنْفُسَنَا عَلَى رَسُولِ اللَّهِ ﷺ فإنْ كَانَتْ لَنَا تَوْبَةٌ أَقَمْنَا، وَإنْ كَانَ غَيْرَ ذٰلِكَ ذَهَبْنَا، قال: فَجَلَسْنَا لِرَسُولِ اللَّهِ ﷺ قَبْلَ صَلاَةِ الْفَجْرِ، فَلَمَّا خَرَجَ قُمْنَا إِلَيْهِ فَقُلْنَا: نَحْنُ الْفَرَّارُونَ فَأَقْبَلَ إِلَيْنَا فقالَ: «**لاَ بَلْ أَنْتُم الْعَكَّارُونَ**»، قال: فَدَنَوْنَا فَقَبَّلْنَا يَدَهُ فقال: «**أَنَا فِئَةُ الْمُسْلِمِينَ**».

2648 ـ حدّثنا مُحَمَّدُ بنُ هِشَامٍ الْمِصْرِيُّ: حدَّثنا بِشْرُ بنُ الْمُفَضَّلِ: حدَّثنا دَاوُدُ، عن أَبي نَضْرَةَ، عن أَبي سَعِيدٍ قال: «نَزَلَتْ في يَوْمِ بَدْرٍ: ﴿وَمَن يُوَلِّهِمْ يَوْمَئِذٍ دُبُرَهُۥ﴾ [الأنفال: 16]».

[ت107/م97] ـ باب في الأَسير يُكره على الكفر

2649 ـ حدّثنا عَمْرُو بنُ عَوْنٍ قال: أَخبرنا هُشَيْمٌ وَخَالِدٌ، عن إِسْمَاعِيلَ بنِ أَبي خالد، عن قَيْسِ بنِ أَبي حَازِمٍ، عن خَبَّابٍ قال: أَتَيْنَا رَسُولَ اللَّهِ ﷺ وَهُوَ مُتَوَسِّدٌ بُرْدَةً في ظِلِّ الْكَعْبَةِ فَشَكَوْنَا إِلَيْهِ، فَقُلْنَا: أَلاَ تَسْتَنْصِرُ لَنَا، أَلاَ تَدْعُو اللَّهَ لَنَا؟ فَجَلَسَ مُحْمَرًّا وَجْهُهُ فقال: «**قَدْ كَانَ مِنْ قَبْلِكُمْ يُؤْخَذُ الرَّجُلُ فَيُحْفَرُ لَهُ في الأَرْضِ ثُمَّ يُؤْتَى بالمِنْشَارِ فَيُجْعَلُ عَلَى**

ditch that was dug for him, a saw would be put over his head and he would be cut into two pieces; yet that (torture) would not make him give up his religion. His body would be combed with iron combs that would remove his flesh from the bones and nerves; yet that would not make him abandon his religion. By Allah, this religion (Islam) will prevail until a traveller from San'a (in Yemen) to Hadramaut will fear none but Allah, or a wolf as regards his sheep, but you (people) are hasty."

[108] The Sentence Of A Muslim Spy

2650- It is narrated on the authority of Ali: The Messenger of Allah "Allah's blessing and peace be upon him" sent me along with Az-Zubair and Al-Miqdad and said: "Proceed till you reach a place called Rawdat-Khakh where there is a lady travelling in a howdah on a camel. She has a letter. Take the letter from her." So we set out, and our horses ran at full pace till we reached Rawdat Khakh, and behold, we saw the lady and said (to her): "Take out the letter!" She said: "I have no letter with me." I said: "Either you take out the letter or we will strip you of your clothes." So she took the letter out of her hair braid. We brought the letter to The Prophet "Allah's blessing and peace be upon him" and behold, it was addressed by Hatib Ibn Abu Balta'ah to some pagans at Mecca, informing them of some of the affairs of The Prophet "Allah's blessing and peace be upon him". The Prophet "Allah's blessing and peace be upon him" said: "What is this, O Hatib?" Hatib replied: "Do not be hasty with me, O Allah's Apostle! I do not belong to the Quraish people, but I was an ally to them from outside and had no blood relation with them, while the emigrants who were with you had their relatives who used to protect their families and properties at Mecca. So, to compensate for not having blood relation with them, I intended to do them some favor so that they might protect my relatives (at Mecca), and I did not do this out of disbelief or an inclination to desert my religion." The Prophet "Allah's blessing and peace be upon him" then said (to his companions): "He (Hatib) has told you the truth." Umar said: "O Allah's Apostle! Allow me to chop his head off!" The Messenger of Allah "Allah's blessing and peace be upon him" said: "He is one of those who attended (the holy battle of) Badr, and what do you know, perhaps Allah looked upon the people of Badr (who took part in the battle) and said: "Do what you want as I have forgiven for you.""

2651- The same story is narrated on the authority of Ali, in which he told that Hatib wrote in his letter to the Quraish: "Muhammad is going to proceed towards you..." he further told that the woman said: "I have no

رَأْسِهِ فَيُجْعَلُ فِرْقَتَيْنِ ما يَصْرِفُهُ ذٰلِكَ عن دِينِهِ، ويُمْشَطُ بِأَمْشاطِ الحديدِ ما دُونَ عَظْمِهِ مِنْ لَحْمٍ وَعَصَبٍ ما يَصْرِفُهُ ذلكَ عَنْ دينِهِ، وَاللَّهِ لَيُتِمَّنَّ اللَّهُ هٰذَا الأَمْرَ حَتَّى يَسِيرَ الرَّاكِبُ مَا بَيْنَ صَنْعَاءَ وَحَضْرَمَوْتَ ما يَخَافُ إلاَّ اللَّه وَالذِّئْبَ عَلَى غَنَمِهِ وَلَكِنَّكُمْ تَعْجَلُونَ».

[ت108/م98] ـ باب في حكم الجاسوس إذا كان مسلمًا

2650 ـ حدّثنا مُسَدَّدٌ قالَ: حدَّثنا سُفْيَانُ، عن عَمْرٍو: حدَّثَهُ حسنُ بنُ مُحَمَّدِ بنِ عَلِيٍّ، أَخْبَرَهُ عُبَيْدُ اللَّهِ بنُ أَبِي رَافِعٍ وَكَانَ كَاتِبًا لِعَلِيِّ بنِ أَبي طَالِبٍ قالَ: سَمِعْتُ عَلِيًّا عليه السلام يَقُولُ: بَعَثَنِي رَسُولُ اللَّهِ ﷺ أَنَا وَالزُّبَيْرَ وَالمَقْدَادَ فقالَ: «**انْطَلِقُوا حَتَّى تَأْتُوا رَوْضَةَ خاخٍ فإِنَّ بِهَا ظَعِينَةً مَعَهَا كِتَابٌ فَخُذُوهُ مِنها**» فَانطَلَقْنَا تَتَعَادَى بِنَا خَيْلُنَا حَتَّى أَتَيْنَا الرَّوْضَةَ فَإذَا نَحْنُ بالظَّعِينَةِ، فَقُلْنَا: هَلُمِّي الكِتَابَ، قالَتْ: مَا عِنْدِي مِنْ كِتَابٍ، فَقُلْتُ: لَتُخرِجِنَّ الكِتَابَ أَوْ لَنُلْقِيَنَّ الثِّيَابَ، قالَ: فأَخرَجَتْهُ مِنْ عِقَاصِهَا، فَأَتَيْنَا بِهِ النَّبيَّ ﷺ، فَإذَا هُوَ مِنْ حَاطِبِ بنِ أَبِي بَلْتَعَةَ إلى نَاسٍ مِنَ المُشْرِكِينَ يُخْبِرُهُم بِبَعْضِ أَمْرِ رَسُولِ اللَّهِ ﷺ، فقالَ: «**مَا هٰذَا يَا حَاطِبُ؟**» فقالَ: يا رَسُولَ اللَّهِ لا تَعْجَل عَلَيَّ، فإِنِّي كُنْتُ امْرَأً مُلْصَقًا فِي قُرَيْشٍ وَلَمْ أَكُنْ مِنْ أَنْفُسِهَا، وَإِنَّ قُرَيْشًا لَهُمْ بِهَا قَرَابَاتٌ يَحْمُونَ بِهَا أَهْلِيهِمْ بِمَكَّةَ، فَأَحْبَبْتُ إذْ فَاتَني ذٰلِكَ أَنْ أَتَّخِذَ فِيهِمْ يَدًا يَحْمُونَ قَرَابَتِي بِهَا وَاللَّهِ يَا رَسُولَ اللَّهِ مَا كَانَ بِي مِنْ كُفْرٍ وَلاَ ارْتِدَادٍ. فقالَ رَسُولُ اللَّهِ ﷺ: «**صَدَقَكُم**». فَقَالَ عُمَرُ: دَعْنِي أَضْرِبْ عُنُقَ هٰذَا المُنَافِقِ، فقَالَ رَسُولُ اللَّهِ ﷺ: «**قَدْ شَهِدَ بَدْرًا وَمَا يُدْرِيكَ لَعَلَّ اللَّهَ اطَّلَعَ عَلَى أَهْلِ بَدْرٍ فَقَالَ اعْمَلُوا مَا شِئْتُم فَقَدْ غَفَرْتُ لَكُمْ**».

2651 ـ حدّثنا وَهْبُ بنُ بَقِيَّةَ، عن خَالِدٍ، عن حُصَيْنٍ، عن سَعْدِ بنِ عُبَيْدَةَ، عن أَبِي عَبْدِ الرَّحْمٰنِ السُّلَمِيِّ، عن عَلِيٍّ بِهٰذِهِ القِصَّةِ قالَ: «انْطَلَقَ حَاطِبٌ فَكَتَبَ إلى أَهْلِ مَكَّةَ أَنَّ مُحَمَّدًا قَدْ سَارَ إلَيْكُم وَقَالَ فِيهِ: قَالَتْ: مَا

letter." We inspected for it with her, but found nothing. On that Ali said to her: "By Him, with Whom oaths should be taken: I would kill you unless you should bring out the letter..."and the rest is the same.

[109] The Spy From Amongst The Non-Muslims

2652- It is narrated on the authority of Furat Ibn Hayyan that the Messenger of Allah "Allah's blessing and peace be upon him" ordered that he should be killed, since he was a spy for Abu Sufyan, and at the same time, he was an ally to a man from amongst the Ansar. When he came upon a circle-shaped gathering of the Ansar he said: "I'm Muslim." A man said to the Messenger of Allah "Allah's blessing and peace be upon him": "O Messenger of Allah! He says that he is Muslim." On that the Messenger of Allah "Allah's blessing and peace be upon him" said: "From amongst you, there are such men as Furat Ibn Hayyan, whom we entrust to their faith."

[110] What About The Spy With Whom People Feel Safe?

2653- It is narrated on the authority of Salamah Ibn Al-Akwa' that he said: A spy from amongst the pagans came to the Messenger of Allah "Allah's blessing and peace be upon him" while being on journey, and sat among his companions. When he withdrew stealthily, the Messenger of Allah "Allah's blessing and peace be upon him" said: "Pursue and kill him." I went to him before them and killed him, and took his belongings, which the Messenger of Allah "Allah's blessing and peace be upon him" gave to me.

2654- It is narrated on the authority of Salamah Ibn Al-Akwa': I took part in the holy Battle of Hawazin with The Messenger of Allah "Allah's blessing and peace be upon him". While we were having our breakfast with The Messenger of Allah "Allah's blessing and peace be upon him", a man came riding a red camel. He made it kneel down, took out a strap of leather from its girth with which he tied the camel. Then he started eating with the people and looking (curiously here and there). We were in a state of weakness and lacking of mounts, since some of us were on foot. Suddenly, he left us quickly, came to his camel, which he untied. He made it kneel down, rode it and then urged it and it ran with him. A man on a brown she-camel chased him (regarding him as a spy). Salamah (the narrator) added: I came out hurriedly on foot. I ran on until I was near the thigh of the she-camel. I proceeded further until I was near the thighs of the camel. I advanced further until I caught hold of the nose string of the camel. I made it kneel down. As soon as it had put its knee on the ground, I drew my sword and struck the head of the rider who fell down. I brought the camel

مَعِي كِتَابٌ فَانْتَحَيْنَاهَا فَمَا وَجَدْنَا مَعَهَا كِتَابًا، فَقَالَ عَلِيٌّ: وَالَّذِي يُحْلَفُ بِهِ لأَقْتُلَنَّكِ أَوْ لَتُخْرِجِنَّ الكِتَابَ» وَسَاقَ الْحَدِيثَ.

[ت109/م99] ـ باب في الجاسوس الذمي

2652 ـ حدّثنا مُحَمَّدُ بنُ بَشَّارٍ قالَ: حدَّثنا مُحَمَّدُ بنُ مُحَبَّبٍ أَبُو هَمَّامٍ الدَّلَّالُ قالَ: حدَّثنا سُفْيَانُ بنُ سَعِيدٍ، عن أَبِي إِسْحَاقَ، عن حَارِثَةَ بنِ مُضَرِّبٍ، عن فُرَاتِ بنِ حَيَّانَ: أَنَّ رَسُولَ اللَّهِ ﷺ أَمَرَ بِقَتْلِهِ وَكَانَ عَيْنًا لأَبِي سُفْيَانَ وَكَانَ حَلِيفًا لِرَجُلٍ مِنَ الأَنْصَارِ فَمَرَّ بِحَلْقَةٍ مِنَ الأَنْصَارِ فَقَالَ: إِنِّي مُسْلِمٌ، فَقَالَ رَجُلٌ مِنَ الأَنْصَارِ: يَا رَسُولَ اللَّهِ إِنَّهُ يَقُولُ إِنِّي مُسْلِمٌ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «**إِنَّ مِنْكُمْ رِجَالاً نَكِلُهُم إلى إِيمَانِهِمْ مِنْهُمْ فُرَاتُ بنُ حَيَّانَ**».

[ت110/م100] ـ باب في الجاسوس المُسْتَأْمَنِ

2653 ـ حدّثنا الْحَسنُ بنُ عَلِيٍّ قالَ: حدَّثنا أَبُو نُعَيْم قال: حدَّثنا أَبُو عُمَيْسٍ، عن ابنِ سَلَمَةَ الأَكْوَعِ، عن أَبِيهِ، قال: «أَتَى النَّبِيَّ ﷺ عَيْنٌ مِنَ الْمُشْرِكِينَ وَهُوَ في سَفَرٍ فَجَلَسَ عِنْدَ أَصْحَابِهِ ثُمَّ انْسَلَّ فَقَالَ النَّبِيُّ ﷺ: «**اطْلُبُوهُ فَاقْتُلُوهُ**»، قالَ: فَسَبَقْتُهُمْ إِلَيْهِ فَقَتَلْتُهُ وَأَخَذْتُ سَلَبَهُ فَنَفَّلَنِي إِيَّاهُ».

2654 ـ حدّثنا هَارُونُ بنُ عَبْدِ اللَّهِ أَنَّ هَاشِمَ بنَ القَاسِمِ وَهِشَامًا حدثاهم، قَالاَ: حدَّثَنَا عِكْرِمَةُ بنُ عمار قالَ: حدَّثَنِي إِيَاسُ بنُ سَلَمَةَ قالَ: حدَّثني أَبِي قال: غَزَوْتُ مَعَ رَسُولِ اللَّهِ ﷺ هَوَازِنَ، قالَ فَبَيْنَمَا نَحْنُ نَتَضَحَّى وَعَامَّتُنَا، مُشَاةٌ وَفِينَا ضَعْفَةٌ إِذْ جَاءَ رَجُلٌ عَلَى جَمَلٍ أَحْمَرَ فَانْتَزَعَ طَلَقًا مِنْ حِقْوِ البَعِيرِ فَقَيَّدَ بِهِ جَمَلَهُ، ثُمَّ جَاءَ يَتَغَدَّى مَعَ القَوْمِ، فَلَمَّا رَأَى ضَعْفَتَهُمْ وَرِقَّةَ ظَهْرِهِمْ خَرَجَ يَعْدُو إلى جَمَلِهِ فَأَطْلَقَهُ ثُمَّ أَنَاخَهُ فَقَعَدَ عَلَيْهِ، ثُمَّ خَرَجَ يَرْكُضُهُ وَاتَّبَعَهُ رَجُلٌ مِنْ أَسْلَمَ عَلَى نَاقَةٍ وَرْقَاءَ هِيَ أَمْثَلُ ظَهْرِ الْقَوْمِ، قالَ: فَخَرَجْتُ أَعْدُو فَأَدْرَكْتُهُ وَرَأْسُ النَّاقَةِ عِنْدَ وَرِكِ الجَمَلِ وَكُنْتُ عِنْدَ وَرِكِ النَّاقَةِ، ثُمَّ تَقَدَّمْتُ حَتَّى كُنْتُ عِنْدَ وَرِكِ الجَمَلِ، ثُمَّ تَقَدَّمْتُ حَتَّى أَخَذْتُ بِخِطَامِ الْجَمَلِ فَأَنَخْتُهُ، فَلَمَّا وَضَعَ رُكْبَتَهُ بِالأَرْضِ اخْتَرَطْتُ سَيْفِي فَأَضْرِبَ رَأْسَهُ فَنَدَرَ، فَجِئْتُ بِرَاحِلَتِهِ وَمَا عَلَيْهَا

driving it along with the man's baggage and arms. The Messenger of Allah "Allah's blessing and peace be upon him" along with the people came to receive me. He asked: "Who has killed the man?" The people said: "Ibn Al-Akwa." He said: "Then, the entire belongings of the man are for him."

[111] At Which Time Is It Desirable To Face (The Enemy)?

2655- It is narrated on the authority of An-Nu'man Ibn Muqarrin that he said: I saw that whenever the Messenger of Allah "Allah's blessing and peace be upon him" did not start the attack (on the enemy) at the early portion of the day, he would delay it until the sun would pass the meridian, the wind would blow, thereupon the victory would descend.

[112] It Is Commendable To Keep Silent On Facing (The Enemy)

2656- It is narrated on the authority of Qais Ibn Abbad that he said: The companions of the Messenger of Allah "Allah's blessing and peace be upon him" disliked making noise on fighting.

2657- It is narrated on the authority of Abu Burdah from his father from the Messenger of Allah "Allah's blessing and peace be upon him" that he said a Hadith like this.

[113] A Man Dismounts And Walks On Foot On Facing (The Enemy)

2658- It is narrated on the authority of Al-Bara' that he said: When the Messenger of Allah "Allah's blessing and peace be upon him" (and the Muslims) met the pagans on the day of (the holy battle of) Hunain, the Messenger of Allah "Allah's blessing and peace be upon him" dismounted of his mule and stood on foot.

[114] What About Arrogance In War?

2659- It is narrated on the authority of Jabir Ibn Atik that the Messenger of Allah "Allah's blessing and peace be upon him" said: "Out of (the kinds of) jealousy there is such as Allah likes, and such as Allah dislikes: as to that which He likes, it is the jealousy caused by (portents of) suspicion; and as to that which He dislikes, it is the jealousy caused by no suspicion; and out of (the kinds of) over-confidence there is such as Allah likes, and such as Allah dislikes: as to that which He likes, it is one's over-confidence in war, and his over-confidence on giving in charity; and as to that which He dislikes, it is one's over-confidence in transgressing the due limits (and arrogance)."

أَقُودُهَا، فَاسْتَقْبَلَنِي رَسُولُ اللَّهِ ﷺ فِي النَّاسِ مُقْبِلاً، فقالَ: «**مَنْ قَتَلَ الرَّجُلَ؟**» فقَالُوا: سَلَمَةُ بنُ الأَكْوَعِ، فَقَالَ: «**لَهُ سَلَبُهُ أَجْمَعُ**» قالَ هَارُونُ: هٰذَا لَفْظُ هَاشِمٍ.

[ت111/م101] ـ باب في أي وقت يُستحب فيه اللقاء

2655 ـ حدّثنا مُوسَى بنُ إِسْمَاعِيلَ قالَ: حدَّثنا حَمَّادٌ قال: أخبرنا أَبُو عِمْرَانَ الْجَوْنِيُّ، عن عَلْقَمَةَ بنِ عَبْدِ اللَّهِ الْمُزَنِيِّ، عن مَعْقِلِ بنِ يَسَارٍ أَنَّ النُّعْمَانَ ـ يَعْنِي ابنَ مُقَرِّنٍ ـ قال: «شَهِدْتُ رَسُولَ اللَّهِ ﷺ إِذَا لَمْ يُقَاتِلْ مِنْ أَوَّلِ النَّهَارِ أَخَّرَ الْقِتَالَ حَتَّى تَزُولَ الشَّمْسُ وَتَهُبَّ الرِّيَاحُ وَيَنْزِلَ النَّصْرُ».

[ت112/م102] ـ باب فيما يؤمر به من الصمت عند اللقاء

2656 ـ حدّثنا مُسْلِمُ بنُ إِبْرَاهِيمَ قال: حدَّثنا هِشَامٌ. (ح) وحدَّثنا عُبَيْدُ اللَّهِ بنُ عُمَرَ: حدَّثنا عَبْدُ الرَّحْمٰنِ بنُ مَهْدِيٍّ: حدَّثنا هِشَامٌ: حدَّثنا قَتَادَةَ، عن الْحَسَنِ، عن قَيْسِ بنِ عُبَادٍ قالَ: «كَانَ أَصْحَابُ النَّبِيِّ ﷺ يَكْرَهُونَ الصَّوْتَ عِنْدَ الْقِتَالِ».

2657 ـ حدّثنا عُبَيْدُ اللَّهِ بنُ عُمَرَ قال: حدَّثنا عَبْدُ الرَّحْمٰنِ، عن هَمَّامٍ قالَ: حدَّثنا مَطَرٌ، عن قَتَادَةَ، عن أَبِي بُرْدَةَ، عن أَبِيهِ، عن النَّبِيِّ ﷺ بِمِثْلِ ذٰلِكَ.

[ت113/م103] ـ باب في الرجل يَترجل عند اللقاء

2658 ـ حدّثنا عُثْمَانُ بنُ أَبِي شَيْبَةَ قال: حدَّثنا وَكِيعٌ، عن إِسْرَائِيلَ، عن أَبِي إِسْحَاقَ، عن الْبَرَاءِ قال: «لَمَّا لَقِيَ النَّبِيُّ ﷺ الْمُشْرِكِينَ يَوْمَ حُنَيْنٍ فَانْكَشَفُوا نَزَلَ عن بَغْلَتِهِ فَتَرَجَّلَ».

[ت114/م104] ـ باب في الخُيلاء في الحرب

2659 ـ حدّثنا مُسْلِمُ بنُ إِبْرَاهِيمَ وَمُوسَى بنُ إِسْمَاعِيلَ، المَعنَى وَاحِدٌ، قَالاَ: حدَّثنا أَبَانُ قالَ: حدَّثنا يَحْيَى، عن محمَّدِ بنِ إِبْرَاهِيمَ، عن ابنِ جَابِرِ بنِ عَتِيكٍ، عن جَابِرِ بنِ عَتِيكٍ أَنَّ نَبِيَّ اللَّهِ ﷺ كانَ يَقُولُ: «**مِنَ الغَيْرَةِ مَا يُحِبُّ اللَّهُ وَمِنْهَا مَا يُبْغِضُ اللَّهِ، فَأَمَّا الَّتِي يُحِبُّهَا اللَّهُ عَزَّ وَجَلَّ فَالغَيْرَةُ فِي الرِّيبَةِ، وَأَمَّا الغيرة الَّتِي يُبْغِضُهَا اللَّهُ فَالْغَيْرَةُ فِي غَيْرِ رِيبَةٍ. وَإِنَّ مِنَ الْخُيَلاَءِ مَا يُبْغِضُ اللَّهُ وَمِنْهَا مَا يُحِبُّ اللَّهُ، فَأَما الْخُيَلاَءُ الَّتِي يُحِبُّ اللَّهُ فَاخْتِيَالُ الرَّجُلِ نَفْسَهُ عِنْدَ الْقِتَالِ وَاخْتِيَالُهُ عِنْدَ الصَّدَقَةِ، وَأَمَّا التي يُبْغِضُ اللَّهُ عَزَّ وَجَلَّ فَاخْتِيَالُهُ فِي الْبَغْيِ**» قالَ مُوسَى: «**وَالفَخْرِ**».

[115] Taking Captives (From Muslims)

2660- It is narrated on the authority of Abu Hurairah that he said: The Messenger of Allah "Allah's blessing and peace be upon him" sent out ten persons as reconnoiterers led by Asim Ibn Thabit Al-Ansari. Then, (a group of the tribe of) Hudhail went forth towards them in about one hundred archers. When Asim and his companions became aware of them, they took refuge to a (high) place. But the enemy encircled them and said: "Come down and surrender. We give you a promise and covenant not to kill anyone of you." Asim Ibn Thabit said: "O people! As for me, I will never get down to be under the protection of an infidel. So the archers threw their arrows at them and martyred Asim with seven men of the ten. (The remaining) three of them came down and surrendered to them, accepting their promise and covenant. They were Khubaib, Zaid Ibn Ad'-Dathinah and another man. When the archers got hold of them, they untied the strings of the arrow bows with which they tied the captives. The third man said: "This is the first proof of treachery! By Allah, I will not go with you for I follow the example of those (martyred companions)." The archers dragged him and tried hard with him until he was martyred. Khubaib remained imprisoned by them until they decided unanimously to kill him; Khubaib borrowed a razor for shaving his pubic hair. When they took him out of Mecca sanctuary to murder him, Khubaib requested them to allow for him to offer a two-rak'ah prayer. They allowed him; and he prayed two Rak'ahs. Then he said: "By Allah! Had I not been afraid that you would think I was worried, I would have prayed more."

2661- It is narrated on the authority of Amr Ibn Abu Sufyan Ibn Usaid Ibn Jariyah Ath-Thaqafi, an ally of Banu Zuhrah, and he was one of the companions of Abu Hurairah that...and the rest is the same.

[116] What About Such As Lie In Ambush (For The Enemy)

2662- It is narrated on the authority of Al-Bara' Ibn Azib that he said: The Prophet "Allah's blessing and peace be upon him" appointed Abdullah Ibn Jubair as the commander of the infantry men (archers) who were fifty on the day of (the holy battle of) Uhud. He instructed them: "Stick to your place, and don't leave it even if you see birds snatching us, till I send for you; and if you see that we have defeated the infidels and made them flee, even then you should not leave your place till I send for you." Then the infidels were defeated. By Allah, I saw the women fleeing lifting up their clothes revealing their leg-bangles and their legs. So, the companions of Abdullah Ibn Jubair said: "The booty! O people, the booty! Your

[ت115/م105] ـ باب في الرجل يَستأْسر

2660 ـ حدّثنا مُوسَى بنُ إسْمَاعِيلَ قال: حدَّثنا إبْرَاهِيمُ ـ يَعْني ابنَ سَعْدٍ ـ قالَ: أَخبرنا ابنُ شِهابٍ قال: أَخبرني عَمْرُو بنُ جارِيَةَ الثقَفِيُّ حَلِيفُ بَني زُهْرَةَ عن النَّبيِّ ﷺ قال: «بَعَثَ النَّبيُّ ﷺ عَشْرَةَ عَيْنًا، وَأَمَّرَ عَلَيْهِمْ عاصِمَ بنَ ثَابِتٍ، فَنَفَرُوا لَهُمْ هُذَيْلٌ بِقَرِيبٍ من مائَةِ رجُلٍ رام، فَلَمَّا أَحسَّ بِهِمْ عَاصِمٌ لَجَأُوا إلى قَرْدَدٍ، فَقَالُوا لَهُمْ: انْزِلُوا فَأَعْطُوا بِأَيْدِيكُمْ وَلَكُم الْعَهْدُ وَالمِيثَاقُ أَنْ لاَ نَقْتُلَ مِنكُم أَحَدًا، فقالَ عَاصِمٌ: أَمَّا أَنا فَلاَ أَنْزِلُ في ذِمَّةِ كَافِرٍ فَرَمَوْهُمْ بالنَّبْلِ فَقَتَلُوا عَاصِمًا في سَبْعَةِ نَفَرٍ، وَنَزَلَ إلَيْهِمْ ثَلاثَةُ نَفَرٍ عَلَى الْعَهْدِ وَالمِيثَاقِ مِنْهُمْ خُبَيْبٌ وَزَيْدُ بنُ الدَّثِنَةِ وَرَجُلٌ آخَرُ، فَلَمَّا اسْتَمْكَنُوا مِنْهُمْ أَطْلَقُوا أَوْتَارَ قِسِيِّهِمْ فَرَبَطُوهُمْ بِهَا. قال الرَّجُلُ الثَّالِثُ: هٰذَا أَوَّلُ الْغَدْرِ وَاللَّهِ لاَ أَصْحَبُكُمْ إنَّ لِي بِهٰؤُلاَءِ لأُسْوَةٌ فَجَرُّوهُ فَأَبَى أَنْ يَصْحَبَهُمْ فَقَتَلُوهُ، فَلَبِثَ خُبَيْبٌ أَسِيرًا حَتَّى أَجْمَعُوا قَتْلَهُ فَاسْتَعَارَ مُوسَى يَسْتَحِدُّ بِهَا، فَلَمَّا خَرَجُوا بِهِ لِيَقْتُلُوهُ قالَ لَهُمْ خُبَيْبٌ: دَعُونِي أَرْكَعْ رَكْعَتَيْنِ، ثُمَّ قالَ: واللَّهِ لَوْلاَ أَنْ تَحْسِبُوا مَا بِي جَزَعًا لَزِدْتُ».

2661 ـ حدّثنا ابنُ عَوْفٍ: حدَّثنا أَبُو الْيَمَانِ، أَخبرنا شُعَيْبٌ، عن الزُّهْرِيِّ قالَ: أَخبرني عَمْرُو بنُ أَبي سُفْيَانَ بن أَسِيدِ بنِ جَارِيَةَ الثَّقَفِيُّ، وَهُوَ حَلِيفٌ لِبَنِي زُهْرَةَ، وَكَانَ مِنْ أَصْحَابِ أَبي هُرَيْرَةَ فَذَكَرَ الْحَدِيثَ.

[ت116/م106] ـ باب في الكُمَنَاء

2662 ـ حدّثنا عَبْدُ اللَّهِ بنُ مُحَمَّدٍ النُّفَيْلِيُّ: حدَّثنا زُهَيْرٌ قال: حدَّثنا أَبُو إسْحَاقَ قالَ: سَمِعْتُ الْبَرَاءَ يُحدِّثُ، قال: «جَعَلَ رَسُولُ اللَّهِ ﷺ عَلَى الرُّمَاةِ يَوْمَ أُحُدٍ وَكَانُوا خَمْسِينَ رَجُلاً، عَبْدَ اللَّهِ بنَ جُبَيْرٍ وَقالَ: «**إنْ رَأَيْتُمُونا تَخَطَّفُنَا الطَّيْرُ فَلاَ تَبْرَحُوا مِنْ مَكَانِكُمْ هٰذَا حَتَّى أُرْسِلَ إلَيْكُمْ وَإنْ رَأَيْتُمُونا هَزَمْنَا الْقَوْمَ وَأَوْطَأْنَاهُمْ فَلاَ تَبْرَحُوا حَتَّى أُرْسِلَ إلَيْكُمْ**» قالَ: فَهَزَمَهُمُ اللَّهُ، قالَ: فَأَنَا وَاللَّهِ رَأَيْتُ النِّسَاءَ يَشْتَدِدْنَ عَلَى الْجَبَلِ؟ فقالَ أَصْحَابُ عَبْدُ اللَّهِ بنُ جُبَيْرٍ: الْغَنِيمَةَ،

companions have become victorious, what are you waiting for now?" Abdullah Ibn Jubair said: "Have you forgotten what The Messenger of Allah "Allah's blessing and peace be upon him" said to you?" They replied: "By Allah! We will go to the people (i.e. the enemy) and collect our share from the war booty." But when they went to them, they were diverted and then forced to turn back in retreat and defeat.

[117] What About The Rows (Of Fighters)?

2663- It is narrated on the authority of Hamzah Ibn Abu Usaid from his father that he said: When we aligned in rows for fighting on the day of (the holy battle of) Badr, the Messenger of Allah "Allah's blessing and peace be upon him" said: "When they (the pagans) attack you, throw them with arrows, and hasten as in a race to throw your arrows."

[118] Unsheathing Swords On Meeting

2664- It is narrated on the authority of Malik Ibn Hamzah Ibn Abu Usaid As-Sa'idi from his father from his grandfather that the Messenger of Allah "Allah's blessing and peace be upon him" said on the day of (the holy battle of) Badr: "When they (the pagans) harass you, throw them with arrows, and do not unsheathe your swords before they attack you."

[119] What About Swordfight?

2665- It is narrated on the authority of Ali that he said: Utbah Ibn Rabie'ah, followed by his son (Al-Walid) and his brother (Shaibah) proceeded forward and called: "Who would be engaged in combat with us?" three young men from the Ansar came out for them, whom they asked: "Who are you?" they said: "Young men from amongst the Ansar." They said: "We are not in need of you. We want to combat with our paternal cousins (from the Quraish)." The Messenger of Allah "Allah's blessing and peace be upon him" said: "Stand up O Hamzah! Stand up O Ali! Stand up O Ubaidah Ibn Al-Harith!" Hamzah came towards Utbah, and I came towards Shaibah (and we killed them). Ubaidah and Al-Walid exchanged two strikes one for each, with the result that both were wounded. Then, we inclined to Al-Walid and killed him, and carried Ubaidah.

[120] It Is Forbidden To Mutilate The Body

2666- It is narrated on the authority of Abdullah that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "The people of faith (i.e. the Muslims) are, from amongst all the people, the most ready to refrain (from mutilation) in killing their (enemies)."

أَيْ قَوْمِ الْغَنِيمَةَ! ظَهَرَ أَصْحَابُكُمْ فَمَا تَنْظُرُونَ؟ فَقَالَ عَبْدُ اللَّهِ بنُ جُبَيْرٍ: أَنَسِيتُمْ مَا قَالَ لَكُم رَسُولُ اللَّهِ ﷺ؟ فقالُوا: وَاللَّهِ لَنَأْتِينَّ النَّاسَ فَلَنُصِيبَنَّ مِنَ الْغَنِيمَةِ فَأَتَوْهُمْ فَصُرِفَتْ وُجُوهُهُمْ وَأَقْبَلُوا مُنْهَزِمِينَ».

[ت117/م107] ـ باب في الصفوف

2663 ـ حدّثنا أَحْمَدُ بنُ سِنَانٍ: حدَّثنا أَبُو أَحْمَدَ الزُّبَيْرِيُّ: حدَّثنا عَبْدُ الرَّحْمٰنِ بنُ سُلَيْمَانَ بنِ الْغَسِيلِ، عن حَمْزَةَ بنِ أَبي أُسَيْدٍ، عن أَبِيهِ قالَ: قالَ رَسُولُ اللَّهِ ﷺ حِينَ اصْطَفَفْنَا يَوْمَ بَدْرٍ: «**إِذَا أَكْثَبُوكُم**» يَعْني إِذَا غَشُوْكُمْ «**فَارْمُوهُمْ بالنَّبْلِ وَاسْتَبْقُوا نَبْلَكُمْ**».

[ت118/م108] ـ باب في سلِّ السيوف عند اللقاء

2664 ـ حدّثنا مُحَمَّدُ بنُ عِيسَى قال: حدَّثنا إِسْحَاقُ بنُ نَجِيحٍ وَلَيْسَ بالمَلَطِيِّ، عن مَالِكِ بنِ حَمْزَةَ بنِ أَبي أُسَيْدٍ السَّاعِدِيِّ، عن أَبِيهِ، عن جَدِّهِ قال: قال النَّبيُّ ﷺ يَوْمَ بَدْرٍ: «**إِذَا أَكْثَبُوكُمْ فَارْمُوهُمْ بالنَّبْلِ، وَلاَ تَسُلُّوا السُّيُوفَ حَتَّى يَغْشَوْكُمْ**».

[ت119/م109] ـ باب في المبارزة

2665 ـ حدّثنا هَارُونُ بنُ عَبْدِ اللَّهِ: حدَّثنا عُثْمَانُ بنُ عَمْرٍو: حدَّثنا إِسْرَائِيلُ، عنْ أَبِي إِسْحَاقَ، عنْ حَارِثَةَ بنِ مُضَرِّبٍ، عن عَلِيٍّ قالَ: «تَقَدَّمَ ـ يَعْنِي عُتْبَةَ بنَ رَبِيعَةَ ـ وَتَبِعَهُ ابْنُهُ وَأَخُوهُ فَنَادَى مَنْ يُبَارِزُ؟ فَانْتَدَبَ لَهُ شَبَابٌ مِنَ الأَنْصَارِ، فَقَالَ: مَنْ أَنْتُمْ؟ فَأَخْبَرُوهُ، فَقالَ: لاَ حَاجَةَ لَنَا فِيكُم، إِنَّمَا أَرَدْنَا بَنِي عَمِّنَا، فقالَ النَّبيُّ ﷺ: «**قُمْ يَا حَمْزَةُ، قُمْ يَا عَلِيُّ، قُمْ يَا عُبَيْدَةُ بنَ الحَارِثِ**» فَأَقْبَلَ حَمْزَةُ إِلَى عُتْبَةَ وَأَقْبَلْتُ إِلَى شَيْبَةَ وَاخْتُلِفَ بَيْنَ عُبَيْدَةَ وَالْوَلِيدِ ضَرْبَتَانِ، فَأَثْخَنَ كُلُّ وَاحِدٍ مِنْهُمَا صَاحِبَهُ، ثُمَّ مِلْنَا عَلَى الْوَلِيدِ فَقَتَلْنَاهُ وَاحْتَمَلْنَا عُبَيْدَةَ».

[ت120/م110] ـ باب في النَّهي عن المُثْلَةِ

2666 ـ حدّثنا مُحَمَّدُ بنُ عِيسَى وَزِيَادُ بنُ أَيُّوبَ قالاَ: حدَّثنا هُشَيْمٌ قالَ: أَخبرنا مُغِيرَةُ، عن شِبَاكٍ، عنْ إِبْرَاهِيمَ، عن هُنَيِّ بنِ نُوَيْرَةَ، عن عَلْقَمَةَ، عن عَبْدِ اللَّهِ قال: قالَ رَسُولُ اللَّهِ ﷺ: «**أَعَفُّ النَّاسِ قِتْلَةً أَهْلُ الإِيمَانِ**».

2667- It is narrated on the authority of Al-Hayyaj Ibn Imran that a slave belonging to Imran fled away from him, and Imran made it incumbent upon him to cut off his hand once he had control over him. He sent me to Samurah Ibn Jundub to ask for his religious verdict pertaining to that, thereupon he said: "The Messenger of Allah "Allah's blessing and peace be upon him" exhorted us to give in charity, and forbade us to practice mutilation." I went to Imran Ibn Husain and asked him, and he said: "The Messenger of Allah "Allah's blessing and peace be upon him" exhorted us to give in charity, and forbade us to practice mutilation."

[121] Killing Women

2668- It is narrated on the authority of Abdullah that a woman was found killed in one of the holy battles fought by the Messenger of Allah "Allah's blessing and peace be upon him", thereupon the Messenger of Allah "Allah's blessing and peace be upon him" disapproved of killing women and children in war.

2669- It is narrated on the authority of Rabah Ibn Rabie that he said: We were with the Messenger of Allah "Allah's blessing and peace be upon him" in a holy battle, and he saw a crowd of people gathering around something, and he sent somebody saying: "Go and see around which those people were gathering." He returned to him and said: "Around a killed woman." On that the Messenger of Allah "Allah's blessing and peace be upon him" said: "This (woman) was not to take part in fighting (so that she might be killed)." Khalid Ibn Al-Walid was the leader of the front portion (of the army). The Messenger of Allah "Allah's blessing and peace be upon him" sent to him saying: "Kill neither woman nor hireling."

2670- It is narrated on the authority of Samurah Ibn Jundub that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "Kill the mature among the pagans (who are strong enough and able to fight), and save the lives of the adults among them."

2671- It is narrated on the authority of A'ishah that she said: The Messenger of Allah "Allah's blessing and peace be upon him" did not kill of their women, i.e. the women of the Jews of Quraizhah other than a woman, and she was sitting in my house, talking and laughing loudly, while the Messenger of Allah "Allah's blessing and peace be upon him" was killing their men with the swords. Then, she was called with her name: "Where is so and so?" she said: "I'm." I asked: "What is wrong with you?" she said: "I've done an evil thing." (It is said that she insulted the Messenger of Allah "Allah's blessing and peace be upon him", and this was

2667 ـ حدّثنا مُحَمَّدُ بنُ المُثَنَّى: حدَّثنا مُعَاذُ بنُ هِشَامٍ: حَدَّثَني أبي، عن قَتَادَةَ، عن الْحَسَنِ، عن الْهَيَّاجِ بنِ عِمْرَانَ: «أَنَّ عِمْرَانَ أَبَقَ لَهُ غُلاَمٌ فَجَعَلَ للَّه عَلَيْهِ لَئِنْ قَدَرَ عَلَيْهِ لَيَقْطَعَنَّ يَدَهُ، فَأَرْسَلَنِي لأَسْأَلَ لَهُ فَأَتَيْتُ سَمُرَةَ بنَ جُنْدَبٍ فَسَأَلْتُهُ، فقالَ: كَانَ رَسُولُ اللَّهِ ﷺ يَحُثُّنَا عَلَى الصَّدَقَةِ وَيَنْهَانَا عن المُثْلَةِ، فَأَتَيْتُ عِمْرَانَ بنِ حُصَيْنٍ فَسَأَلْتُهُ فقالَ: كَانَ رَسُولُ اللَّهِ ﷺ يَحُثُّنَا عَلَى الصَّدَقَةِ وَيَنْهَانَا عن المُثْلَةِ».

[ت121/م111] ـ باب في قتل النساء

2668 ـ حدّثنا يَزِيدُ بنُ خَالِدِ بنِ مَوْهَبٍ، وَقُتَيْبَةُ ـ يَعْني ابنَ سَعِيدٍ ـ قالاَ: حدَّثنا اللَّيْثُ، عن نَافِعٍ، عن عَبْدِ اللَّهِ: «أَنَّ امْرَأَةً وُجِدَتْ في بَعْضِ مَغَازِي رَسُولِ اللَّهِ مَقْتُولَةً فَأَنْكَرَ رَسُولُ اللَّهِ ﷺ قَتْلَ النِّسَاءِ وَالصِّبْيَانِ».

2669 ـ حدّثنا أَبُو الْوَلِيدِ الطَّيَالِسِيُّ، قال: حدَّثنا عَمْرُو بنُ المُرَقَّعِ بنِ صَيْفِيِّ بنِ رَبَاحٍ قال: حدَّثَني أَبي، عن جَدِّهِ رَبَاحِ بنِ رَبِيعٍ قال: كُنَّا مَعَ رَسُولِ اللَّهِ ﷺ في غَزْوَةٍ فَرَأَى النَّاسَ مُجْتَمِعِينَ عَلَى شَيْءٍ، فَبَعَثَ رَجُلاً فقالَ: **«انْظُرْ عَلاَمَ اجْتَمَعَ هٰؤُلاَءِ»** فَجَاءَ فقالَ: عَلَى امْرَأَةٍ قَتِيلٍ، فقالَ: **«مَا كَانَتْ هٰذِهِ لِتُقَاتِلَ»**، قال: وَعَلَى المُقَدِّمَةِ خالِدُ بنُ الْوَلِيدِ فَبَعَثَ رَجُلاً فقال: **«قُلْ لِخَالِدٍ: لاَ تَقْتُلَنَّ امْرَأَةً وَلا عَسِيفًا»**.

2670 ـ حدّثنا سَعِيدُ بنُ مَنْصُورٍ: حدَّثنا هُشَيْمٌ: حدَّثنا حَجَّاجٌ: حدَّثنا قَتَادَةُ، عن الْحَسَنِ، عن سَمُرَةَ بنِ جُنْدَبٍ قال: قال رَسُولُ اللَّهِ ﷺ **«اقْتُلُوا شُيُوخَ المُشْرِكِينَ وَاسْتَبْقُوا شَرْخَهُمْ»**.

2671 ـ حدّثنا عَبْدُ اللَّهِ بنُ مُحَمَّدٍ النُّفَيْلِيُّ: حدَّثنا مُحَمَّدُ بنُ سَلَمَةَ، عن مُحَمَّدِ بنِ إسْحَاقَ قال: حدَّثَني مُحَمَّدُ بنُ جَعْفَرِ بنِ الزُّبَيْرِ، عن عُرْوَةَ بنِ الزُّبَيْرِ، عنْ عَائِشَةَ قالَتْ: «لَمْ تُقْتَلْ مِنْ نِسَائِهِمْ ـ تَعْني بَنِي قُرَيْظَةَ ـ إلاَّ امْرَأَةٌ، إنَّهَا لَعِنْدِي تُحَدِّثُ تَضْحَكُ ظَهْرًا وَبَطْنًا وَرَسُولُ اللَّهِ ﷺ يَقْتُلُ رِجَالَهُمْ بالسُّيُوفِ إذْ هَتَفَ بها هَاتِفٌ باسْمِهَا: أَيْنَ فُلاَنَةُ؟ قالَتْ: أَنَا، قُلْتُ: وَمَا شَأْنُكِ؟ قالَتْ:

what she had done; and this provides a proof for the obligation of killing such as does the same) she added: She was taken and her head was chopped off. I did not forget, out of astonishment at her, how she was laughing loudly even though she knew with certainty that she would be killed.

2672- It is narrated on the authority of Ibn Abbas that he said: As-Sa'b Ibn Jaththamah told that he asked the Messenger of Allah "Allah's blessing and peace be upon him" about the inhabitants of the town from amongst the pagans, when they are attacked at night, with the women and children killed (unintentionally), thereupon he said: "They belong to those (pagans, whose killing leads to no sin provided that it is done unintentionally)."

Az-Zuhri says: Afterwards, the Messenger of Allah "Allah's blessing and peace be upon him" forbade killing women and children (of the enemy).

[122] It Is Undesirable To Burn The Enemy

2673- It is narrated on the authority of Muhammad Ibn Hamzah Al-Aslami from his father that the Messenger of Allah "Allah's blessing and peace be upon him" appointed him leader of a military expedition, and he said: I set out in it, and the Messenger of Allah "Allah's blessing and peace be upon him" said to me: "If you find so and so, burn him." I no sooner had gone away than he called me and said: "If you find so and so, kill him, and not burn him, for none punishes with the fire other than (Allah) the Lord of the fire."

2674- It is narrated on the authority of Abu Hurairah that he said: The Messenger of Allah "Allah's blessing and peace be upon him" dispatched us in a military expedition and said to us: "If you find so and so..."and the rest is the same.

2675- It is narrated on the authority of Abd Ar-Rahman Ibn Abdullah from his father that he said: We were on journey with the Messenger of Allah "Allah's blessing and peace be upon him", and when he went to answer the call of nature we found a female-bird having two offspring, which we took, thereupon it came and went on flittering its wings, and when the Messenger of Allah "Allah's blessing and peace be upon him" returned he asked: "Who has aggrieved this bird by taking its offspring? Restore them to it." He further saw a swarm of ants, which we burnt, and he asked: "Who has burnt this?" we said: "It is we who have done it." On that he said: "It is not befitting that any should punish with the fire but (Allah) the Lord of the fire."

حَدَثُ أَحْدَثْتُهُ، قالَتْ: فَانْطَلَقَ بِهَا فَضُرِبَتْ عُنُقُهَا، قالَتْ: فَمَا أَنْسَى عَجَبًا مِنْهَا أَنَّهَا تَضْحَكُ ظَهْرًا وَبَطْنًا وَقَدْ عَلِمَتْ أَنَّهَا تُقْتَلُ».

2672 ـ حدّثنا أَحْمَدُ بنُ عَمْرِو بنِ السَّرْحِ قال: حدَّثنا سُفْيَانُ، عن الزُّهْرِيِّ، عن عُبَيْدِ اللَّهِ ـ يَعْنِي ابنَ عَبْدِ اللَّهِ ـ، عن ابنِ عَبَّاسٍ، عن الصَّعْبِ بنِ جَثَّامَةَ: «أَنَّهُ سَأَلَ النبيَّ ﷺ عن الدَّارِ مِنَ الْمُشْرِكِينَ يُبَيَّتُونَ فَيُصَابُ مِنْ ذَرَارِيِّهِمْ وَنِسَائِهِمْ، فقال النَّبيُّ ﷺ: «**هُمْ مِنْهُمْ**»، وَكَانَ عَمْرٌو ـ يَعْني ابنَ دِينَارٍ ـ يَقُولُ: هُمْ مِنْ آبَائِهِمْ».

قال الزُّهْرِيُّ: ثُمَّ نَهَى رَسُولُ اللَّهِ ﷺ بَعْدَ ذٰلِكَ عن قَتْلِ النِّسَاءِ وَالْوِلْدَانِ.

[ت122/م112] ـ باب في كراهية حَرْق العدو بالنار

2673 ـ حدّثنا سَعِيدُ بنُ مَنْصُورٍ قال: حدَّثنا مُغِيرَةُ بنُ عَبْدِ الرَّحْمٰنِ الْحِزَامِيُّ، عن أَبي الزِّنَادِ، قال: حدَّثني مُحَمَّدُ بنُ حَمْزَةَ الأَسْلَمِيُّ، عن أَبِيهِ: أَنَّ رَسُولَ اللَّهِ ﷺ أَمَّرَهُ عَلَى سَرِيَّةٍ، قال: فَخَرَجْتُ فِيهَا وَقالَ: «**إِنْ وَجَدْتُم فُلاَنًا فَأَحْرِقُوهُ بالنَّارِ**» فَوَلَّيْتُ فَنَادَانِي فَرَجَعْتُ إِلَيْهِ فقال: «**إِنْ وَجَدْتُمْ فُلاَنًا فَاقْتُلُوه وَلاَ تُحَرِّقُوهُ فإِنَّهُ لا يُعَذِّبُ بالنَّارِ إلاَّ رَبُّ النَّارِ**».

2674 ـ حدّثنا يَزِيدُ بنُ خَالِدٍ وَقُتَيْبَةُ، أَنَّ اللَّيْثَ بنَ سَعْدٍ حَدَّثَهُمْ، عن بُكَيْرٍ، عن سُلَيْمَانَ بنِ يَسَارٍ، عن أَبي هُرَيْرَةَ قال: بَعَثَنَا رَسُولُ اللَّهِ ﷺ في بَعْثٍ فقال: «**إِنْ وَجَدْتُمْ فُلاَنًا وَفُلاَنًا**» فَذَكَرَ مَعْنَاهُ.

2675 ـ حدّثنا أَبُو صَالِحٍ مَحْبُوبُ بنُ مُوسَى قال: أخبرنا أَبُو إِسْحَاقَ الْفَزَارِيُّ، عن أَبي إِسْحَاقَ الشَّيْبَانِيِّ، عن ابنِ سَعْدٍ قال غَيْرُ أَبي صَالِحٍ: عن الْحَسَنِ بنِ سَعْدٍ، عنْ عَبْدِ الرَّحْمٰنِ بنِ عَبْدِ اللَّهِ، عن أَبِيهِ قال: كُنَّا مَعَ رَسُولِ اللَّهِ ﷺ في سَفَرٍ فَانْطَلَقَ لِحَاجَتِهِ فَرَأَيْنَا حُمَّرَةً مَعَهَا فَرْخَانِ فَأَخَذْنَا فَرْخَيْهَا، فَجَاءَتِ الْحُمَّرَةُ فَجَعَلَتْ تَفْرُشُ فَجَاءَ النَّبيُّ ﷺ فقال: «**مَنْ فَجَّعَ هٰذِهِ بِوَلَدِهَا؟ رُدُّوا وَلَدَهَا إِلَيْهَا**»، وَرأى قَرْيَةَ نَمْلٍ قَدْ حَرَّقْنَاهَا فقال: «**مَنْ حَرَّقَ هٰذِهِ؟**» قُلْنَا: نَحْنُ قال: «**إِنَّهُ لاَ يَنْبَغِي أَنْ يُعَذِّبَ بالنَّارِ إلاَّ رَبُّ النَّارِ**».

[123] When One Hires His Mount For Half Or The Whole Share

2676- It is narrated on the authority of Wathilah Ibn Al-Asqa' that he said: The Messenger of Allah "Allah's blessing and peace be upon him" called upon the people to set out for the holy battle of Tabuk, and when I went to my family and returned, I found that the first patch of the companions of the Messenger of Allah "Allah's blessing and peace be upon him" had set out. I made a public announcement in Medina: "Is there one to transport a man (to the battle) in return for his share?" an old man from amongst the Ansar said to me: "We would take his share, provided that we carry him and his provision with us." I agreed and he said: "Then, let's marsh by Allah's Blessing." I set out with a good companion, and when Allah bestowed booty upon us, my share was of some healthy young she-camels. I drove them until I came to him, and he came out and sat on a saddlebag of those of his camels and said to me: "Drive them as returning." Then he said: "Drive them as coming." I did accordingly. He said: "I do not see but that your healthy young she-camels are fat and huge." I said: "It is your booty upon which I've settled the agreement with you." On that he said: "Take your healthy young she-camels O son of my brother! We have intended something other than your share." (He refers to the reward in the hereafter).

[124] Binding The Captive

2677- It is narrated on the authority of Abu Hurairah that he said: I heard the Messenger of Allah "Allah's blessing and peace be upon him" having said: "Our Lord wonders at a people, who will be driven to the Garden in their fetters."

2678- It is narrated on the authority of Jundub Ibn Makith that he said: The Messenger of Allah "Allah's blessing and peace be upon him" sent Abdullah Ibn Ghalib Al-Laithi heading a military detachment, and I took part in it, and commanded them to assail Banu Al-Mulawwah at (a place known as) Kadid. We set out until when we reached Kadid, we met Al-Harith Ibn Al-Barsa' Al-Laithi, whom we captured, and he said: "I've come out with the intention to embrace Islam, and I set out to meet the Messenger of Allah "Allah's blessing and peace be upon him"." We said to him: "If you are really a Muslim, then, capturing and binding you for a night and a day will do no harm to you; and if you are not so, then, let's be sure of your intention." We then bound him in fetters.

2679- It is narrated on the authority of Abu Hurairah that he said: The Prophet "Allah's blessing and peace be upon him" sent some cavalry

[ت123/م113] ـ باب في الرجل يكري دابته على النصف أو السهم

2676 ـ حدّثنا إِسْحَاقُ بنُ إبْرَاهِيمَ الدِّمَشْقِيُّ أَبُو النَّضْرِ قال: حدَّثنا مُحَمَّدُ بنُ شُعَيْبٍ، قال: أخبرني أَبُو زُرْعَةَ يَحْيَى بنُ أَبي عَمْرٍو الشَّيْبَانِيُّ، عن عَمْرو بنِ عَبْدِ اللَّهِ أَنَّهُ حَدَّثَهُ، عن وَائِلَةَ بنِ الأَسْقَعِ قال: «نَادَى رَسُولُ اللَّهِ ﷺ في غَزْوَةِ تَبُوكَ فَخَرَجْتُ إلى أَهْلِي فَأَقْبَلْتُ وَقَدْ خَرَجَ أَوَّلُ صَحَابَةِ رَسُولِ اللَّهِ ﷺ، فَطَفِقْتُ في الْمَدِينَةِ أُنَادِي: أَلاَ مَنْ يَحْمِلُ رَجُلاً لَهُ سَهْمُهُ، فَنَادَى شَيْخٌ مِنَ الأَنْصَارِ، قال: لَنَا سَهْمُهُ عَلَى أَنْ نَحْمِلَهُ عُقْبَةً وَطَعَامُهُ مَعَنَا؟ قُلْتُ: نَعَمْ، قال: فَسِرْ عَلَى بَرَكَةِ اللَّهِ تَعَالَى قال: فَخَرَجْتُ مَعَ خَيْرِ صَاحِبٍ حَتَّى أَفَاءَ اللَّهُ عَلَيْنَا فَأَصَابَنِي قَلاَئِصُ، فَسُقْتُهُنَّ حتى أَتيتُه فخرجَ فقعدَ على حقيبةٍ من حقائبِ إِبِلِهِ، ثُمَّ قالَ: سُقْهُنَّ مُدْبِرَاتٍ، ثم قالَ: سُقْهُنَّ مُقْبِلاَتٍ، فقالَ: مَا أَرَى قَلاَئِصَكَ إلاَّ كِرَامًا، قالَ: إِنَّمَا هِيَ غَنِيمَتُكَ الَّتي شَرَطْتُ لَكَ، قالَ: خُذْ قَلاَئِصَكَ يا ابْنَ أَخِي فَغَيْرَ سَهْمِكَ أَرَدْنَا».

[ت124/م114] ـ باب في الأَسير يوثق

2677 ـ حدّثنا مُوسَى بنُ إسْمَاعِيلَ: حدَّثنا حَمَّادُ ـ يَعْني ابنَ سَلَمَةَ ـ قال: أَخبرنا مُحَمَّدُ بنُ زِيَادٍ قال: سَمِعْتُ أَبا هُرَيْرَةَ يَقُولُ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «**عَجِبَ رَبُّنَا تعالى مِنْ قَوْمٍ يُقَادُونَ إلى الْجَنَّةِ في السَّلاَسِلِ**».

2678 ـ حدّثنا عَبْدُ اللَّهِ بنُ عَمْرِو بنِ أَبي الْحَجَّاجِ أَبُو مَعْمَرٍ قال: حدَّثنا عَبْدُ الْوَارِثِ: حدَّثنا مُحَمَّدُ بنُ إسْحَاقَ، عنْ يَعْقُوبَ بنِ عُتْبَةَ، عن مُسْلِم بنِ عَبْدِ اللَّهِ، عن جُنْدُبِ بنِ مَكِيثٍ قال: «بَعَثَ رَسُولُ اللَّهِ ﷺ عَبْدَ اللَّهِ بنَ غَالِبٍ اللَّيْثِيَّ في سَرِيَّةٍ وَكُنْتُ فِيهِمْ وَأَمَرَهُمْ أَنْ يَشُنُّوا الْغَارَةَ عَلَى بَنِي الْمُلَوَّحِ بالْكَدِيدِ، فَخَرَجْنَا حَتَّى إذَا كُنَّا بالْكَدِيدِ لَقِينَا الْحَارِثَ بنَ الْبَرْصَاءِ اللَّيْثِيَّ فَأَخَذْنَاهُ، فقالَ: إنَّمَا جِئْتُ أُرِيدُ الإِسْلاَمَ، وَإِنَّمَا خَرَجْتُ إلَى رَسُولِ اللَّهِ ﷺ فَقُلْنَا: إنْ تَكُ مُسْلِمًا لَمْ يَضُرَّكَ رِبَاطُنَا يَوْمًا وَلَيْلَةً، وَإِنْ تَكُنْ غَيْرَ ذَلِكَ نَسْتَوْثِقُ مِنْكَ، فَشَدَدْنَاهُ وِثَاقًا».

2679 ـ حدّثنا عِيسَى بنُ حَمَّادٍ الْمِصْرِيُّ وَقُتَيْبَةُ، قالَ قُتَيْبَةُ: حدَّثنا اللَّيْثُ بنُ سَعْدٍ، عن سَعِيدِ بنِ أَبي سَعِيدٍ أَنَّهُ سَمِعَ أَبَا هُرَيْرَةَ يَقُولُ: «بَعَثَ رَسُولُ اللَّهِ ﷺ

towards Najd and they brought a man from the tribe of Banu Hanifah called Thumamah Ibn Uthal, the chief of the people of Yamamah. They fastened him to one of the pillars of the Mosque. The Prophet "Allah's blessing and peace be upon him" went to him and said: "What have you got, O Thumamah?" He replied:" I have got a good idea, O Muhammad! If you kill me, you would kill a person who has already killed somebody, and if you set me free, you would do a favour to one who is grateful, and if you want property, then ask me whatever wealth you want, and you will be given." He was left till the next day when The Prophet "Allah's blessing and peace be upon him" said to him: "What have you got O Thumamah?" He said: "What I told you: If you set me free, you would do a favour to one who is grateful; if you kill me, you would kill a person who has already killed somebody; and if you want property, then ask me whatever wealth you want, and you will be given. " The Prophet "Allah's blessing and peace be upon him" left him till the day after, when he said: "What have you got, O Thumamah?" He said: "I have got what I told you: If you set me free, you would do a favour to one who is grateful; if you kill me, you would kill a person who has already killed somebody; and if you want property, then ask me whatever wealth you want, and you will be given." On that The Messenger of Allah "Allah's blessing and peace be upon him" said: "Release Thumamah." So he (Thumamah) went to a garden of date-palm trees near the Mosque, took a bath and then entered the Mosque and said: "I testify that there is no God (to be worshipped) but Allah, and testify that Muhammad is His Apostle! By Allah, O Muhammad! There was no face on the surface of the earth which had been more disliked by me than yours, but now your face has become the most beloved face to me, By Allah, there was no religion which had been more disliked by me than yours, but now it is the most beloved religion to me. By Allah, there was no town which had been more disliked by me than yours, but now it is the most beloved town to me...."and he mentioned the narration in full.

2680- It is narrated on the authority of Yahya Ibn Abdullah Ibn Abd Ar-Rahman Ibn Sa'd Ibn Zurarah that he said: When the captives were brought, Sawdah Bint Zam'ah was in the resting place of the family of Afra', including Mu'adh Ibn Afra', and this was before their veiling was revealed. Sawdah said: I was with them and when I came it was said to me: "Those are the captives, who were brought." I returned to my house, and the Messenger of Allah "Allah's blessing and peace be upon him" was there, and behold! Abu Yazid: Suhail Ibn Amr was in one side of the chamber, with his hand bound to his neck with a rope...and he mentioned the narration in full.

خَيْلاً قِبَلَ نَجْدٍ، فَجاءَتْ بِرَجُلٍ مِنْ بَنِي حَنِيفَةَ يُقَالُ لَهُ: ثُمَامَةُ بنُ أُثَالٍ سَيِّدُ أَهْلِ الْيَمَامَةِ، فَرَبَطُوهُ بِسَارِيَةٍ مِنْ سَوَارِي الْمَسْجِدِ، فَخَرَجَ إِلَيْهِ رَسُولُ اللَّهِ ﷺ فقال: «**مَاذَا عِنْدَكَ يَا ثُمَامَةُ؟**» قالَ: عِنْدِي يا مُحَمَّدُ خَيْرٌ، إِنْ تَقْتُلْ تَقْتُلْ ذَا دَمٍ، وَإِنْ تُنْعِمْ تُنْعِمْ عَلَى شَاكِرٍ، وَإِنْ كُنْتَ تُرِيدُ الْمَالَ فَسَلْ تُعْطَ مِنْهُ مَا شِئْتَ، فَتَرَكَهُ رَسُولُ اللَّهِ ﷺ حَتَّى إِذَا كَانَ من الغد، ثُمَّ قالَ لَهُ: «**مَا عِنْدَكَ يَا ثُمَامَةُ؟**» فَأَعَادَ مِثْلَ هَذَا الْكَلَامِ، فَتَرَكَهُ رَسُولُ اللَّهِ ﷺ حَتَّى كَانَ بَعْدَ الْغَدِ فَذَكَرَ مِثْلَ هَذَا، فقال رَسُولُ اللَّهِ ﷺ: «**أَطْلِقُوا ثُمَامَةَ**»، فَانْطَلَقَ إِلَى نَخْلٍ قَرِيبٍ مِنَ الْمَسْجِدِ فاغْتَسَلَ فيهِ ثُمَّ دَخَلَ الْمَسْجِدَ فقالَ: أَشْهَدُ أَنْ لاَ إِلٰه إِلاَّ اللَّه وأَشْهَدُ أَنَّ مُحَمَّدًا عَبْدُهُ وَرَسُولُهُ» وَساقَ الْحَدِيثَ.

قالَ عِيسَى: أخبرنا اللَّيْثُ وَقال: ذَا ذِمٍّ.

2680 ـ حدّثنا مُحَمَّدُ بنُ عَمْرٍو الرَّازِيُّ قال: حدَّثنا سَلَمَةُ ـ يعنِي ابنَ الْفَضْلِ ـ، عن ابنِ إِسْحَاقَ قالَ: حدثني عَبْدُ اللَّهِ بنُ أَبِي بَكْرٍ، عنْ يَحْيَى بنِ عَبْدِ اللَّهِ بنِ عَبْدِ الرَّحْمٰنِ بنِ سَعْدِ بنِ زُرَارَةَ قالَ: «قُدِمَ بالأُسَارَى حِينَ قُدِمَ بِهِمْ وَسَوْدَةُ بِنتُ زَمْعَةَ عِنْدَ آلِ عَفْرَاءَ فِي مُنَاخِهِمْ عَلَى عَوْفٍ وَمُعَوِّذٍ ابْنَيْ عَفْرَاءَ. قال: وَذَلِكَ قَبْلَ أَنْ يُضْرَبَ عَلَيْهِنَّ الْحِجَابُ قال: تَقُولُ سَوْدَةُ: وَاللَّهِ إِنِّي لَعِنْدَهُمْ إِذْ أَتَيْتُ فَقِيلَ هَؤُلاَءِ الأَسَارَى قَدْ أُتِيَ بِهِمْ، فَرَجَعْتُ إِلَى بَيْتِي وَرَسُولُ اللَّهِ ﷺ فِيهِ، وَإِذَا أَبو يَزِيدَ سُهَيْلُ بنُ عَمْرٍو في نَاحِيَةِ الْحُجْرَةِ مَجْمُوعَةٌ يَدَاهُ إِلى عُنُقِهِ بِحَبْلٍ» ثُمَّ ذَكَرَ الحدِيثَ.

قال أَبُو دَاوُدَ: وَهُمَا قَتَلاَ أَبا جَهْلِ بنِ هِشَامٍ وَكَانَا انْتَدَبَا لَهُ وَلَمْ يَعْرِفَاهُ وَقَتَلاَهُ يَوْمَ بَدْرٍ.

[125] When A Captive Is Beaten And Given To Torment

2681- It is narrated on the authority of Anas that The Messenger of Allah "Allah's blessing and peace be upon him" called upon his companions (to go forth to Jihad). So they set out and encamped at Badr. Then, the water-carriers of Quraish arrived. There was among them a black slave belonging to Banu Al-Hajjaj. The Companions of The Messenger of Allah "Allah's blessing and peace be upon him" caught hold of him and asked him about Abu Sufyan and his companions. He said: "I know nothing about Abu Sufyan, but the Quraish people have come, including Abu Jahl, Utbah, Shaibah and Umayyah Ibn Khalaf." When he said this, they beat him. Then he said: "Well, I will tell you about Abu Sufyan." Whenever they stopped beating him and asked him (once again) about Abu Sufyan, he would say: "I know nothing about Abu Sufyan, but the Quraish people have come, including Abu Jahl, Utbah, Shaibah and Umayyah Ibn Khalaf." When he said this, they beat him again. At the same time, The Messenger of Allah "Allah's blessing and peace be upon him" was standing in prayer. When he saw this he finished his prayer and said: "By Allah in Whose hand is my life! You beat him when he tells you the truth, and you let him when he tells you a lie." He (the narrator) further said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "This is the very location where so-and-so (of the infidels of Quraish) would be killed." He put his hand on the ground (while saying) "here and here"; This is the very location where so-and-so (of the infidels of Quraish) would be killed." He put his hand on the ground (while saying) "here and here"; This is the very location where so-and-so (of the infidels of Quraish) would be killed." He put his hand on the ground (while saying) "here and here." By Him, in Whose Hand is my soul, None of them fell far away from the very location to which The Messenger of Allah "Allah's blessing and peace be upon him" had referred by putting his hand on the ground. The Messenger of Allah "Allah's blessing and peace be upon him" ordered that they should be dragged from their legs, and thrown into the Qalib (well) of Badr.

[126] When A Non-Muslim Captive Is Forced To Embrace Islam

2682- It is narrated on the authority of Ibn Abbas that he said: Whenever there was a woman, for whom no child lived, she would take a vow that if a child lived for her, she would convert him into Judaism. When the tribe of Banu An-Nadir was expelled (from Medina), from amongst them, there were some belonging to the Ansar, who said: "We should not leave our children (with them)." On that occasion Allah Almighty revealed: "Let

[ت125/م115] ـ باب في الأَسير ينال منه ويضرب ويقرّر

2681 ـ حدّثنا مُوسَى بنُ إِسْمَاعِيلَ، قال: حدَّثنا حَمَّادُ، عن ثَابِتٍ، عن أَنَسٍ: «أَنَّ رَسُولَ اللَّهِ ﷺ نَدَبَ أَصْحَابَهُ فانْطَلَقُوا إلى بَدْرٍ، فَإذَا هُمْ بِرَوَايا قُرَيْشٍ فِيها عَبْدٌ أَسْوَدُ لِبَنِي الْحَجَّاجِ، فَأَخَذَهُ أَصْحَابُ رَسُولِ اللَّهِ ﷺ، فَجَعَلُوا يَسْأَلُونَهُ أَيْنَ أبو سُفْيَانَ؟ فَيَقُولُ: وَاللَّهِ مَا لِي بِشَيْءٍ مِنْ أَمْرِهِ عِلْمٌ، وَلٰكِنْ هَذِهِ قُرَيْشٌ قَدْ جَاءَتْ فِيهِمْ أَبُو جَهْلٍ وَعُتْبَةُ وَشَيْبَةُ ابْنَا رَبِيعَةَ وَأُمَيَّةُ بنُ خَلَفٍ قد أقبلوا، فَإِذَا قَالَ لَهُمْ ذَلِكَ ضَرَبُوهُ، فيقولُ: دَعُوني دَعُوني أُخْبِرْكُم فإذا تَرَكُوهُ قالَ: وَاللَّهِ ما لِي بِأَبِي سُفْيَانَ من عِلْمٍ، وَلٰكِنْ هَذِهِ قُرَيْشٌ قَدْ أَقْبَلَتْ فِيهِمْ أَبُو جَهْلٍ وَعُتْبَةُ وَشَيْبَةُ ابْنَا رَبِيعَةَ وَأُمَيَّةُ بنُ خَلَفٍ قَدْ أَقْبَلُوا وَالنَّبيُّ ﷺ يُصَلِّي وَهُوَ يَسْمَعُ ذَلِكَ، فَلَمَّا انْصَرَفَ قالَ: «**وَالَّذِي نَفْسِي بِيَدِهِ إِنَّكُم لَتَضْرِبُونَهُ إِذَا صَدَقَكُم وَتَدَعُونَهُ إِذَا كَذَبَكُم، هَذِهِ قُرَيْشٌ قَدْ أَقْبَلَتْ لِتَمْنَعَ أَبا سُفْيَانَ**» قالَ أَنَسٌ: قال رَسُولُ اللَّهِ ﷺ: «**هَذَا مَصْرَعُ فُلاَنٍ غَدًا**»، وَوَضَعَ يَدَهُ عَلَى الأَرْضِ، «**وَهَذَا مَصْرَعُ فُلاَنٍ غَدًا**»، وَوَضَعَ يَدَهُ عَلى الأَرْضِ، «**وَهَذَا مَصْرَعُ فُلاَنٍ غَدًا**» وَوَضَعَ يَدَهُ عَلَى الأَرْضِ، فقَالَ: وَالَّذِي نَفْسِي بِيَدِهِ ما جَاوَزَ أَحَدٌ مِنْهُمْ عن مَوْضِعِ يَدِ رَسُولِ اللَّهِ ﷺ. فَأَمَرَ بِهِمْ رَسُولُ اللَّهِ ﷺ، فَأُخِذ بِأَرْجُلِهِمْ، فَسُحِبُوا، فَأُلْقُوا في قَلِيبِ بَدْرٍ».

[ت126/م116] ـ باب في الأَسير يُكْرَه على الإسلام

2682 ـ حدّثنا مُحَمَّدُ بنُ عمرَ بنِ عَلِيٍّ المَقْدِمِيُّ قال: حدَّثنا أَشْعَثُ بنُ عَبْدِ اللَّهِ ـ يَعْنِي السِّجِسْتَانِيَّ ـ. (ح) وحدَّثنا ابنُ بَشَّارٍ، قال: حدَّثنا ابنُ أَبي عَدِيٍّ وَهَذَا لَفْظُهُ. (ح) وحدَّثنا الْحَسَنُ بنُ عَلِيٍّ: حدَّثنا وَهْبُ بنُ جَرِيرٍ، عن شُعْبَةَ، عن أَبي بِشْرٍ، عنْ سَعِيدِ بنُ جُبَيْرٍ، عن ابنِ عَبَّاسٍ قال: كَانَتِ المَرْأَةُ تَكُونُ مِقْلاَتًا فَتَجْعَلُ عَلَى نَفْسِهَا إنْ عَاشَ لَهَا وَلَدٌ أَنْ تُهَوِّدَهُ، فَلَمَّا أُجْلِيَتْ بَنُو النَّضِيرِ كَانَ فِيهِمْ مِنْ أَبْنَاءِ الأَنْصَارِ فقَالُوا: لاَ نَدَعُ أَبْنَاءَنَا، فَأَنْزَلَ اللَّهُ عَزَّ وَجَلَّ:

there be no compulsion in religion: Truth stands out clear from Error." (Al-Baqarah 256)

[127] When A Captive Is Killed Without Offering (The Idea Of Having Faith In) Islam To Him

2683-It is narrated on the authority of Sa'd that he said: When it was the day of the conquest of Mecca, the Messenger of Allah "Allah's blessing and peace be upon him" granted safety to all the people barring four men and two women, whom he named, including Abdullah Ibn Sa'd Ibn Abu Sarh...as to Ibn Abu Sarh, he was hidden in the house of Uthman, and when the Messenger of Allah "Allah's blessing and peace be upon him" called the people to come to give him the pledge of allegiance, Uthman brought him, and made him stand near the Messenger of Allah "Allah's blessing and peace be upon him" and said: "O Prophet of Allah! Accept the pledge of allegiance of Abdullah!" he raised his head and looked at him (disapprovingly, and he did so) thrice, insisting on rejection at every time, after which he accepted his pledge of allegiance. Then, he faced his companions and said: "Has there not been anyone of good understanding among you to get up and kill that man when he saw me having withheld my hand from accepting his pledge of allegiance?" they said: "We have not been aware of your intention O Messenger of Allah! Had you not hinted (with your eyes) to us?" the Messenger of Allah "Allah's blessing and peace be upon him" said: "It is not consonant with a Prophet to practice eye tricks."

Abu Dawud says: Abdullah was Uthman's foster brother, while Al-Walid Ibn Uqbah was Uthman's half brother from the side of his mother; and it was he, upon whom Uthman implemented the legal punishment of drinking wine.

2684-It is narrated on the authority of Amr Ibn Uthman Ibn Abd Ar-Rahman Ibn Sa'id from his father from his grandfather that he said: On the day of the conquest of Mecca, the Messenger of Allah "Allah's blessing and peace be upon him" said: "There are four persons, whom I should not grant safety whether within or outside the boundaries of the Sanctuary (and he named them) and two songstresses belonging to Maqis" one of whom was killed and the other was able to flee away and later she embraced Islam.

2685-It is narrated on the authority of Anas Ibn Malik that he said: The Messenger of Allah "Allah's blessing and peace be upon him" entered Mecca on the day of its conquest, having the helmet on his head, and when

﴿لَآ إِكۡرَاهَ فِي ٱلدِّينِۖ قَد تَّبَيَّنَ ٱلرُّشۡدُ مِنَ ٱلۡغَيِّۚ﴾ [البقرة: 256].

قال أَبُو دَاوُدَ: المِقْلَاةُ الَّتي لا يَعِيشُ لَهَا وَلَدٌ.

[ت127/م117] ـ باب قتل الأَسير ولا يُعْرَض عليه الإسلام

2683 ـ حدّثنا عُثْمَانُ بنُ أَبِي شَيْبَةَ: حدَّثنا أَحْمَدُ بنُ المُفَضَّلِ، قال: حدَّثنا أَسْباطُ بنُ نَصْرٍ قال: زَعَمَ السُّدِّيُّ، عن مُصْعَبِ بنِ سَعْدٍ، عن سَعْدٍ قالَ: لَمَّا كَانَ يَوْمَ فَتْحِ مَكَّةَ أَمَّنَ رَسُولُ اللَّهِ ﷺ النَّاسَ إلاَّ أَرْبَعَةَ نَفَرٍ وَامْرَأَتَيْنِ وَسَمَّاهُمْ وَابنَ أَبي سَرْحٍ فَذَكَرَ الْحَدِيثَ، قال: وَأَمَّا ابنُ أَبي سَرْحٍ فَإِنَّهُ اخْتَبَأَ عِنْدَ عُثْمَانَ بنِ عَفَّانَ، فَلَمَّا دَعا رَسُولُ اللَّهِ ﷺ النَّاسَ إِلَى الْبَيْعَةِ جَاءَ بِهِ حَتَّى أَوْقَفَهُ عَلَى رَسُولِ اللَّهِ ﷺ، فقالَ: يَا نَبِيَّ اللَّهِ بَايِعْ عَبْدَ اللَّهِ، فَرَفَعَ رَأْسَهُ فَنَظَرَ إِلَيْهِ ثَلاثًا، كُلُّ ذَلِكَ يَأْبَى، فَبَايَعَهُ بَعْدَ ثَلاثٍ، ثُمَّ أَقْبَلَ عَلَى أَصْحَابِهِ فَقالَ: **«أَمَا كَان فِيكُم رَجُلٌ رَشِيدٌ يَقُومُ إِلَى هَذَا حَيْثُ رَآني كَفَفْتُ يَدِي عن بَيْعَتِهِ فَيَقْتُلُهُ؟»**، فَقَالُوا: مَا نَدْرِي يَا رَسُولَ اللَّهِ ما في نَفْسِكَ أَلاَ أَوْمَأْتَ إِلَيْنَا بِعَيْنِكَ؟ قالَ: **«إِنَّهُ لاَ يَنْبَغِي لِنَبِيٍّ أَنْ تَكُونَ لَهُ خَائِنَةُ الأَعْيُنِ»**.

قال أَبُو دَاوُدَ: وَكَانَ عَبْدُ اللَّهِ أَخَا عُثْمَانَ مِنَ الرَّضَاعَةِ، وَكَانَ الْوَلِيدُ بنُ عُقْبَةَ أَخَا عُثْمَانَ لأُمِّهِ، وَضَرَبَهُ عُثْمَانُ الْحَدَّ إِذْ شَرِبَ الْخَمْرَ.

2684 ـ حدّثنا مُحَمَّدُ بنُ الْعَلاَءِ: حدَّثنا زَيْدُ بنُ حُبَابٍ، قال: أَخبرنا عَمْرُو بنُ عُثْمَانَ بنِ عَبْدِ الرَّحْمٰنِ بنِ سَعِيدِ بنِ يَرْبُوعٍ المَخْزُومِيِّ، قال: حدَّثني جَدِّي، عنْ أَبِيهِ أَنَّ رَسُولَ اللَّهِ ﷺ قالَ يَوْمَ فَتْحِ مَكَّةَ: **«أَرْبَعَةٌ لاَ أُؤَمِّنُهُمْ في حِلٍّ وَلاَ حَرَمٍ»**، فَسَمَّاهُمْ. قال: وَقَيْنَتَيْنِ كَانَتَا لِمِقْيَسٍ فَقُتِلَتْ إِحْدَاهُمَا، وَأَفْلَتَتِ الأُخْرَى فَأَسْلَمَتْ.

قال أَبُو دَاوُدَ: لم أَفْهَمْ إِسْنَادَهُ من ابنِ الْعَلاَءِ كما أُحِبُّ.

2685 ـ حدّثنا الْقَعْنَبِيُّ، عن مَالِكٍ، عن ابنِ شِهَابٍ، عن أَنَسِ بنِ مَالِكٍ: «أَنَّ رَسُولَ اللَّهِ ﷺ دَخَلَ مَكَّةَ عَامَ الْفَتْحِ وَعَلَى رَأْسِهِ المِغْفَرُ فَلَمَّا نَزَعَهُ

he put it off; a man came to him and said: "Ibn Khatal got himself hung in the curtains of the Ka'bah." On that he said: "Kill him."

Abu Dawud says: The name of Ibn Khatal is Abdullah, and he was reported to have been killed at the hands of Abu Barzah Al-Aslami.

[128] Killing The Captive While Being Fixed As A Target And Thrown To Death With Arrows

2686- It is narrated on the authority of Ibrahim that he said: When Ad-Dahhak Ibn Qais intended to appoint Masruq (to be in charge of a certain job), Imarah Ibn Uqbah (Ibn Abu Mu'ait), the brother of Al-Walid Ibn Uqbah said to him: "Would you appoint somebody from amongst the remaining murderers of Uthman?" on that Masruq said to him: Abdullah related to us, and he was reliable in narration in our sight, that when he intended to kill your father (Uqbah Ibn Abu Mu'ait) he said to him: "who then should remain to educate my young boys (after you kill the infidel among them)?" the Messenger of Allah "Allah's blessing and peace be upon him" said to him: "(You'd rather be concerned with yourself, since your final destiny will be) the fire (of Hell)." He (Masruq) said (to Imarah): "Then, I accept for you the same as the Messenger of Allah "Allah's blessing and peace be upon him" had accepted for your father."

[129] Killing The Captive With The Help Of Arrows

2687- It is narrated on the authority of Ibn Ti'li that he said: We took part in a battle under the leadership of Abd Ar-Rahman Ibn Khalid Ibn Al-Walid, and four huge hardy fighters from amongst the enemy were brought to him, and he ordered that they should be killed while being fixed as targets, and thrown to death with arrows. Abu Dawud says: This news reached Abu Ayyub Al-Ansari who said: I heard the Messenger of Allah "Allah's blessing and peace be upon him" having forbidden the killing by way of fixing a man as a target, and throwing him to death with arrows. By Him in Whose Hand is my soul, had it been even a hen, I would not have killed it while being fixed and thrown to death with arrows." When this news reached Abd Ar-Rahman, he emancipated four slaves (as expiation).

[130] Granting Freedom To The Captive With No Ransom

2688- It is narrated on the authority of Anas that eighty men from amongst the inhabitants of Mecca came from the mountain of At-Tan'im to the Messenger of Allah "Allah's blessing and peace be upon him" and his companions during the Morning prayer with the intention to kill them, thereupon the Messenger of Allah "Allah's blessing and peace be upon him" captured them, and then he released them with no ransom. On that

جَاءَهُ رَجُلٌ فَقَالَ: ابنُ خَطَلٍ مُتَعَلِّقٌ بِأَسْتَارِ الْكَعْبَةِ فَقَالَ: «**اقْتُلُوهُ**».

قال أَبُو دَاوُدَ: اسْمُ ابْنِ خَطَلٍ عَبْدُ اللَّهِ وَكَانَ أَبُو بَرْزَةَ الأَسْلَمِيُّ قَتَلَهُ.

[ت128/م118] ـ باب في قتل الأَسير صبرًا

2686 ـ حدّثنا عَلِيُّ بنُ الْحُسَيْنِ الرَّقِّيُّ: حدَّثنا عَبْدُ اللَّهِ بنُ جَعْفَرٍ الرَّقِّيُّ، قال: أَخبرني عُبَيْدُ اللَّهِ بنُ عَمْرٍو، عن زَيْدِ بنِ أَبي أُنَيْسَةَ، عنْ عَمْرِو بنِ مُرَّةَ، عن إِبْرَاهِيمَ قال: أَرَادَ الضَّحَّاكُ بنُ قَيْسٍ أَنْ يَسْتَعْمِلَ مَسْرُوقًا، فقالَ لَهُ عُمَارَةُ بنُ عُقْبَةَ ـ أخو الوليد بن عقبة ـ: أَتَسْتَعْمِلُ رَجُلاً منْ بَقَايَا قَتَلَةِ عُثْمَانَ؟ فقالَ لَهُ مَسْرُوقٌ: حدَّثنا عَبْدُ اللَّهِ بنُ مَسْعُودٍ، وَكَانَ في أَنْفُسِنَا مَوْثُوقَ الْحَدِيثِ: «أَنَّ النَّبيَّ ﷺ لَمَّا أَرَادَ قَتْلَ أَبِيكَ قال: مَنْ لِلصِّبْيَةِ؟ قال: «**النَّارُ**» فَقَدْ رَضِيتُ لَكَ مَا رَضِيَ لَكَ رَسُولُ اللَّهِ ﷺ».

[ت129/م119] ـ باب في قَتْل الأَسير بالنَّبْلِ

2687 ـ حدّثنا سَعِيدُ بنُ مَنْصُورٍ، قال: حدَّثنا عَبْدُ اللَّهِ بنُ وَهْبٍ قال: أخبرني عَمْرُو بنُ الْحَارِثِ، عنْ بُكَيْرِ بنِ الأَشَجِّ، عنْ ابنِ تِعْلَى قال: «غَزَوْنَا مَعَ عَبْدِ الرَّحْمٰنِ بنِ خَالِدِ بنِ الْوَلِيدِ فَأُتِيَ بأَرْبَعَةِ أَعْلاَجٍ مِنَ الْعَدُوِّ فَأَمَرَ بِهِمْ فَقُتِلُوا صَبْرًا».

قال أَبُو دَاوُدَ: قال لَنَا غَيْرُ سَعِيدٍ، عن ابنِ وَهْبٍ في هَذَا الْحَدِيثِ، قال: بالنَّبْلِ صَبْرًا، فَبَلَغَ ذَلِكَ أَبَا أَيُّوبَ الأَنْصَارِيَّ فقالَ: «سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَنْهَى عن قَتْلِ الصَّبْرِ، فَوَالَّذِي نَفْسِي بِيَدِهِ لَوْ كَانَتْ دَجَاجَةٌ ما صَبَرْتُهَا، فَبَلَغَ ذَلِكَ عَبْدَ الرَّحْمٰنِ بنَ خَالِدِ بنِ الْوَلِيدِ، فَأَعْتَقَ أَرْبَعَ رِقَابٍ».

[ت130/م120] ـ باب في المنِّ على الأَسير بغير فداء

2688 ـ حدّثنا مُوسَى بنُ إِسْمَاعِيلَ: حدَّثنا حَمَّادٌ قال: أَخبرنا ثَابِتٌ، عن أَنَسٍ: «أَنَّ ثَمَانِينَ رَجُلاً مِنْ أَهْلِ مَكَّةَ هَبَطُوا عَلَى النَّبيِّ ﷺ وَأَصْحَابِهِ مِنْ جِبَالِ التَّنْعِيمِ عِنْدَ صَلاَةِ الْفَجْرِ لِيَقْتُلُوهُمْ، فَأَخَذَهُمْ رَسُولُ اللَّهِ ﷺ سَلْمًا، فَأَعْتَقَهُمْ

occasion Allah Almighty revealed: "And it is He Who has restrained their hands from you and your hands from them in the midst of Mecca, after that He gave you the victory over them. And Allah sees well all that you do." (Al-Fath 24)

2689- It is narrated on the authority of Muhammad Ibn Jubair Ibn Mut'im from his father that the Messenger of Allah "Allah's blessing and peace be upon him" said concerning the captives of Badr: "Had Al-Mut'im Ibn Adi been still alive and he interceded with me for these (captives), surely, I would have emancipated them for his sake."

[131] Ransoming The Captive With Money

2690- It is narrated on the authority of Ibn Abbas that Umar Ibn Al-Khattab told him: When it was the day of (the holy battle of) Badr, and the Messenger of Allah "Allah's blessing and peace be upon him" accepted the ransom (for releasing the captives), Allah Almighty revealed: "It is not fitting for a Prophet that he should have prisoners of war until he hath thoroughly subdued the land. Ye look for the temporal goods of this world; but Allah looketh to the Hereafter: and Allah is Exalted in might, Wise. Had it not been for a previous ordainment from Allah, a severe penalty would have reached you for the (ransom) that you took. But (now) enjoy what you took in war, lawful and good: but fear Allah: for Allah is Oft-Forgiving, Most Merciful." (Al-Anfal 67:68) then, the war booty was made lawful for them by Allah Almighty.

2691- It is narrated on the authority of Ibn Abbas that the Messenger of Allah "Allah's blessing and peace be upon him" fixed the ransom for releasing the captives from amongst the pagans on the day (of the holy battle of) Badr at four hundred (Dirhams for each).

2692- It is narrated on the authority of A'ishah that she said: (When the people of Mecca sent money to ransom their captives, Zainab, (the daughter of the Messenger of Allah "Allah's blessing and peace be upon him") sent for the ransom of her husband Abu Al-As Ibn Ar-Rabie a collar, which was previous owned by her mother Khadijah, and she had given her as a gift when her husband consummated marriage with her; and when the Messenger of Allah "Allah's blessing and peace be upon him" saw it, he sympathized her so much, and said to his companions: "If you see it convenient to release her captive for the sake of her, and give back her collar, you might do." They agreed accordingly. In this way, he set him free, for a promise to send Zainab to him in Medina. The Messenger of Allah "Allah's blessing and peace be upon him" sent Zaid Ibn Harithah

رَسُولُ اللَّهِ ﷺ، فَأَنْزَلَ اللَّهُ عَزَّ وَجَلَّ: ﴿وَهُوَ ٱلَّذِى كَفَّ أَيْدِيَهُمْ عَنكُمْ وَأَيْدِيَكُمْ عَنْهُم بِبَطْنِ مَكَّةَ﴾ [الفتح: 24] إلى آخِرِ الآيَةِ».

2689 ـ حدّثنا مُحَمَّدُ بنُ يَحْيَى بنِ فَارِسَ، قال: حدَّثنا عَبْدُ الرَّزَّاقِ قال: أخبرنا مَعْمَرٌ، عن الزُّهْرِيِّ، عن مُحَمَّدِ بنِ جُبَيْرِ بنِ مُطْعِمٍ، عن أَبِيهِ: أَنَّ النَّبيَّ ﷺ قال لأُسَارَى بَدْرٍ: «**لَوْ كَانَ مُطْعِمُ بنُ عَدِيٍّ حَيًّا ثُمَّ كَلَّمَنِي في هَؤلاَءِ النَّتْنَى لأَطْلَقْتُهُمْ لَهُ**».

[ت131/م121] ـ باب في فداء الأَسير بالمال

2690 ـ حدّثنا أَحْمَدُ بنُ مُحَمَّدِ بنِ حَنْبَلٍ قال: حدَّثنا أَبُو نُوحٍ قال: أخبرنا عِكْرِمَةُ بنُ عَمَّارٍ قال: حدَّثنا سِمَاكٌ الْحَنَفِيُّ قال: حدَّثني ابنُ عَبَّاسٍ قال: حدَّثني عُمَرُ بنُ الْخَطَّابِ قال: «لَمَّا كَانَ يَوْمُ بَدْرٍ فأَخَذَ ـ يعني النَّبيَّ ﷺ ـ الْفِدَاءَ أَنْزَلَ اللَّهِ عَزَّ وَجَلَّ: ﴿مَا كَانَ لِنَبِيٍّ أَن يَكُونَ لَهُۥٓ أَسْرَىٰ حَتَّىٰ يُثْخِنَ فِى ٱلْأَرْضِ﴾ إلى قَوْلِهِ: ﴿لَمَسَّكُمْ فِيمَآ أَخَذْتُمْ﴾ [الأنفال: 67 ـ 68] مِن الْفِدَاءِ ثُمَّ أَحَلَّ اللَّهُ لَهُمُ الْغَنَائِمَ».

قال أَبُو دَاوُدَ: سَمِعْتُ أَحْمَدَ بنَ حَنْبَلٍ يُسْأَلُ عن اسْمِ أَبي نُوحٍ فقال: أَيش تَصْنَعُ باسْمِهِ؟ اسْمُهُ اسْمٌ شَنِيعٌ.

قال أَبُو دَاوُدَ: اسم أبي نوح: قُرَادٌ، وَالصَّحِيحُ عَبْدُ الرَّحْمٰنِ بنُ غَزْوَان.

2691 ـ حدّثنا عَبْدُ الرَّحْمٰنِ بنُ الْمُبَارَكِ العيشيُّ، قال: حدَّثنا سُفْيَانُ بنُ حَبِيبٍ قال: حدَّثنا شُعْبَةُ، عن أَبي الْعَنْبَسِ، عنْ أَبي الشَّعْثَاءِ، عنْ ابنِ عَبَّاسٍ: «أَنَّ النَّبيَّ ﷺ جَعَلَ فِدَاءَ أَهْلِ الْجَاهِلِيَّةِ يَوْمَ بَدْرٍ أَرْبَعَمِائَةٍ».

2692 ـ حدّثنا عَبْدُ اللَّهِ بنُ مُحَمَّدٍ النُّفَيْلِيُّ: حدَّثنا مُحَمَّدُ بنُ سَلَمَةَ، عن مُحَمَّدِ بنِ إسْحَاقَ، عن يَحْيَى بنِ عَبَّادٍ، عن أَبِيهِ عَبَّاد بنِ عَبْدِ اللَّهِ بنِ الزُّبَيْرِ، عن عَائِشَةَ قالَتْ: لَمَّا بَعَثَ أَهْلُ مَكَّةَ في فِدَاءِ أَسْرَاهُمْ بَعَثَتْ زَيْنَبُ في فِدَاء أَبي الْعَاصِ بِمَالٍ، وَبَعثَتْ فِيهِ بِقِلاَدَةٍ لَهَا كَانَتْ عِنْدَ خَدِيجَةَ أَدْخَلَتْهَا بِهَا عَلَى أَبي الْعَاصِ. قالَتْ: فَلَمَّا رَآهَا رَسُولُ اللَّهِ ﷺ رَقَّ لَهَا رِقَّةً شَدِيدَةً وَقال: «**إنْ رَأَيْتُمْ أَنْ تُطْلِقُوا لَهَا أَسِيرَهَا وَتَرُدُّوا عَلَيْهَا الَّذِي لَهَا**». فقالُوا: نَعَمْ، وَكَانَ رَسُولُ اللَّهِ ﷺ أَخَذَ عَلَيْهِ، أَوْ وَعَدَهُ أَنْ يُخَلِّيَ سَبِيلَ زَيْنَب إلَيْهِ وَبَعَثَ رَسُولُ اللَّهِ ﷺ زَيْدَ بنَ حَارِثَةَ وَرَجُلاً مِنَ

and a man belonging to the Ansar, and said to them: “Be at the bottom of Ya’juj (eight miles from Mecca), and once Zainab comes upon you, be in her company until you would bring her (to Medina).”

2693- It is narrated on the authority of Urwah Ibn Az-Zubair that he said: Both of Al-Miswar Ibn Makhramah and Marwan told: When the delegates of the tribe of Hawazin after embracing Islam, came to The Messenger of Allah “Allah’s blessing and peace be upon him”, he got up. They appealed to him to return their property and their captives. Allah's Apostle "Allah's blessing and peace be upon him" said to them: "Indeed, I have with me what you see. The most beloved statement to me is the true one. So, you have the option of restoring your property or your captives, for I have delayed distributing them." (Indeed, Allah's Apostle "Allah's blessing and peace be upon him" had been waiting for them for more than ten days on his return from Ta’if. When they realized that Allah's Apostle "Allah's blessing and peace be upon him" would return to them only one of the two things) they said: "We choose our captives." So, Allah's Apostle "Allah's blessing and peace be upon him" got up in the gathering of the Muslims, praised Allah as He deserved, and said: "To proceed on: These brethren of yours have come to you with repentance and I see it proper to return their captives to them. So, whoever amongst you likes to do that as a favour, then he can do it, and whoever of you wants to stick to his share till we pay him from the very first booty which Allah will give us then he can do so." The people replied: "We agree to give up our shares willingly as a favour for the sake of Allah's Apostle." Then Allah's Apostle "Allah's blessing and peace be upon him" said: "We Don't know who amongst you has agreed and who hasn't. Go back and your chiefs may tell us your opinion." So, all of them returned and their chiefs discussed the matter with them. Then they (Their chiefs) came to Allah's Apostle "Allah's blessing and peace be upon him" to tell him that they (people) had given up their shares gladly and willingly.

2694- The same story is narrated on the authority of Amr Ibn Shu’aib from his father from his grandfather, in which he added: The Messenger of Allah “Allah’s blessing and peace be upon him” said to them: “Give them back their women and children, and whoever among you has got anything of that (and he brings it back), will be given by us six camels from (one-fifth) the first booty of war which will be granted to us by Allah Almighty.” Then, the Messenger of Allah “Allah’s blessing and peace be upon him” came closer to a camel, and took a hair from its hump and said: “O people! I have nothing from that booty, and not even this (and he raised his fingers)

الأَنْصَارِ فقالَ: «**كُونَا بِبَطْنِ يَأْجِجَ حَتَّى تَمُرَّ بِكُمَا زَيْنَبُ فَتَصْحَبَاهَا حَتَّى تَأْتِيَا بِهَا**».

2693 ـ حدّثنا أَحْمَدُ بنُ أبي مَرْيَمَ: حدَّثنا عَمِّي ـ يعني سَعِيدَ بنَ الْحَكَمِ ـ قال: أخبرنا اللَّيْثُ بنُ سَعْدٍ، عن عُقَيْلٍ، عن ابنِ شِهَابٍ قال: وَذَكَرَ عُرْوَةُ بنُ الزُّبَيْرِ أَنَّ مَرْوَانَ وَالمِسْوَرَ بنَ مَخْرَمَةَ أَخْبَرَاهُ أَنَّ رَسُولَ اللَّهِ ﷺ قال حِينَ جَاءَهُ وَفْدُ هَوَازِنَ مُسْلِمِينَ، فَسَأَلُوهُ أَنْ يَرُدَّ إِلَيْهِمْ أَموالَهُمْ، فَقَالَ لَهُمْ رَسُولُ اللَّهِ ﷺ: «**مَعِي مَنْ تَرَوْنَ، وَأَحَبُّ الْحَدِيثِ إِلَيَّ أَصْدَقُهُ، فَاخْتَارُوا إِمَّا السَّبْيَ وَإِمَّا الْمَالَ**»، فَقَالُوا: نَخْتَارُ سَبْيَنَا، فَقَامَ رَسُولُ اللَّهِ ﷺ فَأَثْنَى عَلَى اللَّهِ ثُمَّ قالَ: «**أَمَّا بَعْدُ، فَإِنَّ إِخْوَانَكُمْ هَؤُلاَءِ جَاؤُوا تَائِبِينَ، وَإِنِّي قَدْ رَأَيْتُ أَنْ أَرُدَّ إِلَيْهِمْ سَبْيَهُمْ، فَمَنْ أَحَبَّ مِنْكُمْ أَنْ يُطَيِّبَ ذَلِكَ فَلْيَفْعَلْ، وَمَنْ أَحَبَّ مِنْكُمْ أَنْ يَكُونَ عَلَى حَظِّهِ حَتَّى نُعْطِيَهُ إِيَّاهُ مِنْ أَوَّلِ مَا يُفِيءُ اللَّهُ عَلَيْنَا فَلْيَفْعَلْ**»، فَقَالَ النَّاسُ: قَدْ طَيَّبْنَا ذَلِكَ لَهُمْ يَا رَسُولَ اللَّهِ، فَقَالَ لَهُمْ رَسُولُ اللَّهِ ﷺ: «**إِنا لاَ نَدْرِي مَنْ أَذِنَ مِنْكُمْ مِمَّنْ لَمْ يَأْذَنْ، فَارْجِعُوا حَتَّى يَرْفَعَ إِلَيْنَا عُرَفَاءُكُمْ أَمْرَكُم**»، فَرَجَعَ النَّاسُ وَكَلَّمَهُمْ عُرَفَاؤُكُمْ فَأَخْبَرُوا أَنَّهُمْ قَدْ طَيَّبُوا وَأَذِنُوا.

2694 ـ حدّثنا مُوسَى بنُ إِسْمَاعِيلَ، قال: حدَّثنا حَمَّادٌ، عن مُحَمَّدِ بنِ إِسْحَاقَ، عن عَمْرِو بنِ شُعَيْبٍ، عن أَبِيهِ، عن جَدِّهِ في هَذِهِ الْقِصَّةِ قال: فقال رَسُولُ اللَّهِ ﷺ: «**رُدُّوا عَلَيْهِمْ نِسَاءَهُمْ وَأَبْنَاءَهُمْ، فَمَنْ مَسَّكَ بِشَيْءٍ مِنْ هَذَا الْفَيْءِ، فَإِنَّ لَهُ بِهِ عَلَيْنَا سِتَّ فَرَائِضَ من أَوَّلِ شَيْءٍ يَفِيئُهُ اللَّهُ تعالَى عَلَيْنَا**» ثُمَّ دَنَا ـ يَعْنِي النَّبِيَّ ﷺ ـ مِنْ بَعِيرٍ فَأَخَذَ وَبَرَةً من سَنَامِهِ ثُمَّ قالَ: «**يا أَيُّهَا النَّاسُ، إِنَّهُ لَيْسَ لِي مِنْ هَذَا الْفَيْءِ شَيْءٌ وَلاَ هَذَا**»، وَرَفَعَ إِصْبَعَيْهِ «**إِلاَّ الْخُمُسَ، والْخُمُسُ مَرْدُودٌ**

barring the one-fifth, (which should be assigned to Allah and His Messenger), and even this one-fifth is given back to you. So, you should give back (everything of that booty, even if it is) a needle and a string." A man having some hair in his hand stood up and said: "I've taken this to mend a saddle belonging to me." On that the Messenger of Allah "Allah's blessing and peace be upon him" said: "As to that which is owned by me and the sons of Abd Al-Muttalib, it is lawful for you to take (and as to the shares of the others, they should give their consent concerning that." He said: "As long as it has come to such a state, I have then no need for that (cluster of hair)." He then threw it.

[132] When The Leader Stays, In Case Of Victory, In The Dwelling Places Of The Enemies

2695- It is narrated on the authority of Anas that Abu Talhah said: Whenever the Messenger of Allah "Allah's blessing and peace be upon him" overpowered an enemy (and emerged victorious over them), he would stay (or liked to stay) three nights in their dwelling places.

Abu Dawud says: Yahya Ibn Sa'id criticized this narration, on the basis that it was of those early narrations transmitted by Sa'id.

[133] What About Separating The Captives (Of The Same Family)

2696- It is narrated on the authority of Ali that he parted a slave-girl from her child (in selling), thereupon the Messenger of Allah "Allah's blessing and peace be upon him" forbade him, and cancelled the transaction.

[134] The Concession Pertaining To That In Relation To Those Who Have Attained The Age Of Discernment

2697- It is narrated on the authority of Iyas Ibn Salamah that he said: My father (Salamah Ibn Al-Akwa') told me: We fought (the tribe of) Fazarah under the leadership of Abu Bakr who was appointed by The Messenger of Allah "Allah's blessing and peace be upon him". We attacked from all sides and I saw a group of people consisting of women and children. Since I was afraid that they should precede me to the mountain, I shot an arrow between them and the mountain. When they saw the arrow, they stopped. I came driving them. Among them there was a woman from Banu Fazarah. She was wearing a leather coat. Her daughter, who was one of the most beautiful girls in Arabia, was with her. I drove them until I brought them to Abu Bakr who granted this girl to me as a reward. Then, we arrived in Medina. I had not yet disrobed her when The Messenger of Allah "Allah's blessing and peace be upon him" met me in the street and said: "Give me

عَلَيْكُم فَأَدُّوا الْخِيَاطَ وَالْمَخِيطَ» فَقَامَ رَجُلٌ في يَدِهِ كُبَّةٌ مِنْ شَعْرٍ، فقال: أَخَذْتُ هَذِهِ لأُصْلِحَ بِهَا بَرْذَعَةً لِي، فقال رَسُولُ اللَّهِ ﷺ: «**أَمَّا مَا كَانَ لِي وَلِبَنِي عَبْدِ الْمُطَّلِبِ فَهُوَ لَكَ**» فَقَالَ: أَمَّا إِذَا بَلَغَتْ ما أَرَى فَلاَ أَرَبَ لِي فِيهَا وَنَبَذَهَا.

[ت132/م122] ـ باب في الإمام يقيم عند الظهور على العدو بعرصتهم

2695 ـ حدّثنا مُحَمَّدُ بنُ الْمُثَنَّى، قال: حدَّثنا مُعاذُ بنُ مُعاذٍ. (ح) وحدثنا هَارُونُ بنُ عَبْدِ اللَّهِ: حدّثنا رَوْحٌ قالاَ: حدَّثنا سَعِيدٌ، عن قَتَادَةَ، عن أَنَسٍ، عن أبي طَلْحَةَ قالَ: «كَانَ رَسُولُ اللَّهِ ﷺ إذا غَلَبَ عَلَى قَوْمٍ أَقامَ بالْعَرْصَةِ ثَلاَثًا». قالَ ابْنُ الْمُثَنَّى: «إِذَا غَلَبَ قَوْمًا أَحَبَّ أَنْ يُقِيمَ بِعَرْصَتِهِمْ ثَلاَثًا».

قال أَبُو دَاوُدَ: كَانَ يَحْيَى بنُ سَعِيدٍ يَطْعَنُ في هَذَا الْحَدِيثِ لأَنَّهُ لَيْسَ مِنْ قَدِيمِ حَدِيثِ سَعِيدٍ لأَنَّهُ تَغَيَّرَ سَنَةَ خَمْسٍ وَأَرْبَعِينَ، وَلَمْ يُخْرِجْ هَذَا الْحَدِيثَ إلاَّ بأَخَرَةٍ.

قال أَبُو دَاوُدَ: يُقَالُ إِنَّ وَكِيعًا حَمَلَ عَنْهُ في تَغَيُّرِهِ.

[ت133/م123] ـ باب في التفريق بين السَّبْي

2696 ـ حدّثنا عُثْمَانُ بنُ أَبي شَيْبَةَ: حدَّثنا إِسْحَاقُ بنُ مَنْصُورٍ: حدَّثنا عَبْدُ السَّلاَمِ بنُ حَرْبٍ، عنْ يَزِيدَ بنِ عَبْدِ الرَّحْمٰنِ، عن الْحَكَمِ، عنْ مَيْمُونِ بنِ أَبي شَبِيبٍ، عن عَلِيٍّ: «أَنَّهُ فَرَّقَ بَيْنَ جارِيَةٍ وَوَلَدِهَا، فَنَهَاهُ النَّبِيُّ ﷺ عنْ ذَلِكَ وَرَدَّ الْبَيْعَ».

قال أَبُو دَاوُدَ: وَمَيْمُونٌ لَمْ يُدْرِكْ عَلِيًّا قُتِلَ بالْجَمَاجِمِ. والْجَمَاجِمُ سَنَةُ ثَلاَثٍ وَثَمَانِينَ.

قال أَبُو دَاوُدَ: وَالْحَرَّةُ سَنَةُ ثَلاَثٍ وَسِتِّينَ، وَقُتِلَ ابنُ الزُّبَيْرِ سَنَةَ ثَلاَثٍ وَسَبْعِينَ.

[ت134/م124] ـ باب الرخصة في المدركين يُفرق بينهم

2697 ـ حدّثنا هَارُونُ بنُ عَبْدِ اللَّهِ: حدَّثنا هاشِمُ بنُ الْقَاسِمِ، قال: حدَّثنا عِكْرِمَةُ قال: حدَّثني إِيَاسُ بنُ سَلَمَةَ قال: حدثني أَبي قال: «خَرَجْنَا مَعَ أَبِي بَكْرٍ وَأَمَّرَهُ عَلَيْنَا رَسُولُ اللَّهِ ﷺ، فَغَزَوْنَا فَزَارَةَ، فَشَنَنَّا الْغَارَةَ، ثُمَّ نَظَرْتُ إلى عُنُقٍ مِنَ النَّاسِ فِيهِ الذُّرِّيَّةُ وَالنِّسَاءُ، فَرَمَيْتُ بِسَهْمٍ فَوَقَعَ بَيْنَهُمْ وَبَيْنَ الْجَبَلِ فقامُوا فَجِئْتُ بِهِمْ إِلَى أَبي بَكْرٍ فِيهِمُ امْرَأَةٌ منْ فَزَارَةَ وَعَلَيْهَا قِشْعٌ مِنْ أَدَمٍ، مَعَهَا بِنْتٌ لَهَا مِنْ أَحْسَنِ الْعَرَبِ، فَنَفَّلَنِي أَبُو بَكْرٍ ابْنَتَهَا فَقَدِمْتُ الْمَدِينَةَ، فَلَقِيَنِي رَسُولُ اللَّهِ ﷺ فقالَ لِي: «**يَا سَلَمَةُ هَبْ لِيَ**

that girl O Salamah." I said: "O Messenger of Allah! By Allah! She has appealed me. I had not yet disrobed her." On the next day The Messenger of Allah "Allah's blessing and peace be upon him" met me in the street once again and said: "O Salamah! Give me that girl, may Allah bless your father." I said: "She is for you O Messenger of Allah! By Allah! I have not yet disrobed her." The Messenger of Allah "Allah's blessing and peace be upon him" sent her to the people of Mecca, and ransomed with her many Muslims who had been fallen as captives (and kept) in their hands.

[135] When The Enemy Gets The Property Of Somebody Which Then Is Brought Back To Him Later In The War Booty

2698- It is narrated on the authority of Ibn Umar that a slave belonging to Ibn Umar fled away and reached an enemy, and later on the Muslims overpowered that enemy, and the Messenger of Allah "Allah's blessing and peace be upon him" (or Khalid Ibn Al-Walid, according to another narration) restored the slave to Ibn Umar, without being implied in the distributed booty.

2699- It is narrated on the authority of Ibn Umar that a horse belonging to him was lost, and taken by the enemy, and when the Muslims emerged victorious over them it was brought back to him during the lifetime of the Messenger of Allah "Allah's blessing and peace be upon him"; and a slave belonging to him fled away and joined a Roman territory, and when the Muslims emerged victorious over them he was brought back to him by Khalid Ibn Al-Walid; and this was after the lifetime of the Messenger of Allah "Allah's blessing and peace be upon him".

[136] When Slaves Belonging To The Pagans Join The Muslims And Embrace Islam

2700- It is narrated on the authority of Ali Ibn Abu Talib that he said: On the day of (the holy battle of) Hudaibiyah, and before the peace treaty was signed, two slaves set out and joined the Messenger of Allah "Allah's blessing and peace be upon him". Their masters sent a letter to him (asking for bringing them back), saying: "O Muhammad! By god, they did not come to you out of their desire for your religion so much as with the intention to flee away from slavery." some people said: "They have told the truth O Messenger of Allah! Restore them (to their masters)!" on that the Messenger of Allah "Allah's blessing and peace be upon him" grew angry and said: "I do not think you will desist (from your evil) O assembly of Quraish until Allah sends upon you such as strikes your necks for that." He

المَرْأَةَ»، فَقُلْتُ: وَاللَّهِ لَقَدْ أَعْجَبَتْنِي وَمَا كَشَفْتُ لَهَا ثَوْبًا، فَسَكَتَ حَتَّى إِذَا كَانَ مِنَ الْغَدِ لَقِيَنِي رَسُولُ اللَّهِ ﷺ فِي السُّوقِ، فقالَ لِي: «**يَا سَلَمَةُ هَبْ لِي المَرْأَةَ لِلَّهِ أَبُوكَ**»، فَقُلْتُ: يَا رَسُولَ اللَّهِ واللَّهِ مَا كَشَفْتُ لَهَا ثَوْبًا وَهِيَ لَكَ، فَبَعَثَ بِهَا إِلَى أَهْلِ مَكَّةَ وَفِي أَيْدِيهِمْ أَسْرَى، فَفَدَاهُمْ بِتِلْكَ المَرْأَةِ».

[ت135/م125] ـ باب في المال يُصيبه العدو من المسلمين ثم يُدْرِكه صاحبه في الغنيمة

2698 ـ حدّثنا صَالِحُ بنُ سُهَيْلٍ: حدَّثنا يَحْيَى ـ يَعْنِي ابنَ أَبِي زَائِدَةَ ـ، عن عُبَيْدِ اللَّهِ، عن نَافِعٍ، عن ابنِ عُمَرَ: «أَنَّ غُلاَماً لابْنِ عُمَرَ أَبَقَ إِلَى الْعَدُوِّ فَظَهَرَ عَلَيْهِ المُسْلِمُونَ، فَرَدَّهُ رَسُولُ اللَّهِ ﷺ إلى ابنِ عُمَرَ وَلَمْ يَقْسِمْ».

قال أَبُو دَاوُدَ: وَقال غَيْرُهُ: رَدَّهُ عليهِ خَالِدُ بنُ الْوَلِيدِ.

2699 ـ حدّثنا مُحَمَّدُ بنُ سُلَيْمَانَ الأَنْبَارِيُّ وَالْحَسَنُ بنُ عَلِيٍّ، المَعْنى، قالاَ: حدَّثنا ابنُ نُمَيْرٍ، عن عُبَيْدِ اللَّهِ، عن ابنِ عُمَرَ قال: «ذَهَبَ فَرَسٌ لَهُ فَأَخَذَهَا الْعَدُوُّ فَظَهَرَ عَلَيْهِمُ المُسْلِمُونَ فَرُدَّ عَلَيْهِ فِي زَمَنِ رَسُولِ اللَّهِ ﷺ، وَأَبَقَ عَبْدٌ لَهُ فَلَحِقَ بِأَرْضِ الرُّومِ فَظَهَرَ عَلَيْهِمُ المُسْلِمُونَ فَرَدَّهُ عَلَيهِ خَالِدُ بنُ الْوَلِيدِ بَعْدَ النَّبِيِّ ﷺ».

[ت136/م126] ـ باب في عبيد المشركين يلحقون بالمسلمين فيُسْلِمُون

2700 ـ حدّثنا عَبْدُ العَزِيزِ بنُ يَحْيَى الْحَرَّانِيُّ قال: حدثني مُحَمَّدٌ ـ يَعْنِي ابنَ سَلَمَةَ ـ، عن مُحَمَّدِ بنِ إِسْحَاقَ، عن أَبَانَ بنِ صَالِحٍ، عن مَنْصُورِ بنِ المُعْتَمِرِ، عن رِبْعِيِّ بنِ حِرَاشٍ، عن عَلِيِّ بنِ أَبِي طَالِبٍ قال: «خَرَجَ عُبْدَانٌ إِلى رَسُولِ اللَّهِ ﷺ ـ يعني يَوْمَ الْحُدَيْبِيَةِ ـ قَبْلَ الصُّلْحِ، فَكَتَبَ إِلَيْهِ مَوَالِيهِمْ، فَقَالُوا: يَا مُحَمَّدُ وَاللَّهِ مَا خَرَجُوا إِلَيْكَ رَغْبَةً فِي دِينِكَ، وَإِنَّمَا خَرَجُوا هَرَبًا مِنَ الرِّقِّ، فَقالَ نَاسٌ: صَدَقُوا يَا رَسُولَ اللَّهِ رُدَّهُمْ إِلَيْهِمْ، فَغَضِبَ رَسُولُ اللَّهِ ﷺ وَقالَ: «**مَا أُرَاكُمْ تَنْتَهُونَ يَا مَعْشَرَ قُرَيْشٍ حتى يَبْعَثَ اللَّهُ عَزّ وجلّ عَلَيْكُمْ مَنْ**

refused to restore them and said: "They are released (from slavery) by Allah Almighty."

[137] It Is Permissible To Get Food In The Land Of The Enemy

2701- It is narrated on the authority of Ibn Umar that during the lifetime of the Messenger of Allah "Allah's blessing and peace be upon him", a military expedition gained as war booty food and honey, from which he did not take the fifth.

2702- It is narrated on the authority of Abdullah Ibn Mughaffal that he said: On the day of (the holy battle of) Khaibar, a leather container full of fat fell down, towards which I ran and I picked it up and said (to myself): "Today, I will give nothing of that to anyone." I turned and behold! The Messenger of Allah "Allah's blessing and peace be upon him" was smiling at me.

[138] It Is Forbidden To Commit Robbery Of Food In The Land Of Enemy, Particularly If There Is Shortage Of Food

2703- It is narrated on the authority of Abu Labid that he said: We were with Abd Ar-Rahman Ibn Samurah in Kabul when the people gained a booty which they robbed. On that he stood and addressed the people saying: "I heard the Messenger of Allah "Allah's blessing and peace be upon him" having forbidden to commit robbery." They then brought back what they had taken, which he distributed among them justly.

2704- It is narrated on the authority of Muhammad Ibn Mujalid that he asked Abdullah Ibn Abu Awfa: "Did you use to give one-fifth the booty of food during the lifetime of the Messenger of Allah "Allah's blessing and peace be upon him"?" he said: "On the day of (the holy battle of) Khaibar, we gained food (as war booty), and anyone might come and take from it what would suffice him and then turn away."

2705- It is narrated on the authority of Asim Ibn Kulaib from his father from a man belonging to the Ansar that he said: We set out on journey in the company of the Messenger of Allah "Allah's blessing and peace be upon him", and the people were given to starvation and trouble, and then they saw some sheep, which they robbed. Our vessels were boiling when the Messenger of Allah "Allah's blessing and peace be upon him" came walking, leaning against his bow, therewith he overturned our vessels and went on covering the meat with dust and said: "No doubt, the robbery is not more lawful than the dead (or the dead is not more lawful than the robbery)."

يَضْرِبُ رِقَابَكُم عَلَى هَذَا» وَأَبَى أَنْ يَرُدَّهُمْ وَقالَ: «**هُمْ عُتَقَاءُ اللَّهِ عَزَّ وَجَلَّ**».

[ت137/م127] ـ باب في إباحة الطعام في أَرض العدوِّ

2701 ـ حدّثنا إبْرَاهِيمُ بنُ حَمْزَةَ الزُّبَيْرِيُّ، قال: حدَّثنا أَنَسُ بنُ عِيَاضٍ، عن عُبَيْدِ اللَّهِ، عن نَافِعٍ، عن ابنِ عُمَرَ: «أَنَّ جَيْشًا غَنِمُوا في زَمَانِ رَسُولِ اللَّهِ ﷺ طَعَامًا وَعَسَلاً، فَلَمْ يُؤْخَذْ مِنْهُمُ الْخُمُسُ».

2702 ـ حدّثنا مُوسَى بنُ إسْمَاعِيلَ وَالْقَعْنَبِيُّ قالاَ: حدَّثنا سُلَيْمَانُ، عن حُمَيْدٍ ـ يَعْني ابْنَ هِلاَلٍ ـ، عن عَبْدِ اللَّهِ بنِ مُغَفَّلٍ قال: «دُلِّيَ جِرَابٌ مِنْ شَحْمٍ يَوْمَ خَيْبَرَ، قال: فَأَتَيْتُهُ فَالْتَزَمْتُهُ قال: ثُمَّ قُلْتُ: لا أُعْطِي مِنْ هَذَا أَحَدًا الْيَوْمَ شَيْئًا، قالَ: فَالْتَفَتُّ فَإِذَا رَسُولُ اللَّهِ ﷺ يَتَبَسَّمُ إلَيَّ».

[ت138/م128] ـ باب في النَّهي عن النُّهبى إذا كان في الطعام قلة في أَرض العدو

2703 ـ حدّثنا سُلَيْمَانُ بنُ حَرْبٍ، قال: حدَّثنا جَرِيرٌ ـ يَعْني ابنَ حَازِمٍ ـ، عن يَعْلَى بنِ حَكِيمٍ، عن أَبي لُبَيْدٍ قالَ: «كُنَّا مَعَ عَبْدِ الرَّحْمٰنِ بن سَمُرَةَ بكَابُلَ، فَأَصَابَ النَّاسُ غَنِيمَةً فَانْتَهَبُوهَا، فَقَامَ خَطِيبًا، فقال: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَنْهَى عن النُّهْبَى. فَرَدُّوا مَا أَخَذُوا فَقَسَمَهُ بَيْنَهُمْ».

2704 ـ حدّثنا مُحَمَّدُ بنُ الْعَلاَءِ: حدَّثنا أَبُو مُعَاوِيَةَ: حدَّثنا أَبُو إسْحَاقَ الشَّيْبَانِيُّ، عن مُحَمَّدِ بنِ أَبِي مُجَالِدٍ، عن عَبْدِ اللَّهِ بنِ أَبِي أَوْفَى قال: «قُلْتُ: هَلْ كُنْتُمْ تُخَمِّسُونَ ـ يَعْني الطَّعَامَ ـ في عَهْدِ رَسُولِ اللَّهِ ﷺ؟ فَقَالَ: أَصَبْنَا طَعَامًا يَوْمَ خَيْبَرَ، فَكَانَ الرَّجُلُ يَجِيءُ فَيَأْخُذُ مِنْهُ مِقْدَارَ مَا يَكْفِيهِ ثُمَّ يَنْصَرِفُ».

2705 ـ حدّثنا هَنَّادُ بنُ السَّرِيِّ: حدَّثنا أَبُو الأَحْوَصِ، عن عَاصِمٍ ـ يَعْني ابنَ كُلَيْبٍ ـ، عنْ أَبِيهِ، عن رَجُلٍ مِنَ الأَنْصَارِ قالَ: خَرَجْنَا مَعَ رَسُولِ اللَّهِ ﷺ في سَفَرٍ، فَأَصَابَ النَّاسَ حَاجَةٌ شَدِيدَةٌ وَجَهْدٌ وَأَصَابُوا غَنَمًا فَانْتَهَبُوهَا، فَإِنَّ قُدُورَنَا لَتَغْلِي إذْ جَاءَ رَسُولُ اللَّهِ ﷺ يَمْشِي عَلَى قَوْسِهِ فَأَكْفَأَ قُدُورَنَا بِقَوْسِهِ ثُمَّ جَعَلَ يُرَمِّلُ اللَّحْمَ بالتُّرَابِ ثُمَّ قالَ: «**إنَّ النُّهْبَةَ لَيْسَتْ بِأَحَلَّ من الْمَيْتَةِ**» أَوْ: «**إنَّ الْمَيْتَةَ لَيْسَتْ بِأَحَلَّ مِنَ النُّهْبَةِ**» الشَّكُّ مِنْ هَنَّادٍ.

[139] Carrying Food From The Land Of The Enemy

2706- It is narrated on the authority of Al-Qasim, the freed slave of Abd Ar-Rahman from one of the companions of the Messenger of Allah "Allah's blessing and peace be upon him" that he said: It happened that we ate a camel in a holy battle without distributing it among us, to the extent that we would return with our bags full of its meat.

[140] Selling The Surplus Food In The Land Of The Enemy

2707- It is narrated on the authority of Abd Ar-Rahman Ibn Ghunm that he said: We besieged the town of Qinisrin under the leadership of Shurahbil Ibn As-Simt, and when it was conquered at his hand, he got cattle and sheep, and distributed among us a part thereof, and kept the remaining portion in the cattle place (for selling). When I met Mu'adh Ibn Jabal I told him about that, thereupon Mu'adh said: "We fought Khaibar with the Messenger of Allah "Allah's blessing and peace be upon him", and got cattle and sheep, a portion thereof was distributed among us by the Messenger of Allah "Allah's blessing and peace be upon him", who kept the remaining portion in the cattle place."

[141] When A Man Gets Benefit From The War Booty

2708- It is narrated on the authority of Ruwaifi' Ibn Thabit Al-Ansari that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "He, who has faith in Allah and the Last Day, should not ride a mount from those of the war booty of the Muslims (without being given to him) until when he makes it lean (out of severe effort), he then restores it to the public booty; and he, who has faith in Allah and the Last Day, should not wear a garment of those belonging to the war booty of the Muslims (without being given to him), until when he tears it, he restores it to the public booty."

[142] The Concession To Utilize The Weapon (Of The Enemy) Therewith To Fight

2709- It is narrated on the authority of Abu Ubaidah from his father that he said: I passed by and behold! Abu Jahl was lying down, with his leg struck (with the sword). I said to him: "O Abu Jahl (Father of Ignorance), Allah's enemy! Allah has disappointed you." I came to fear him naught. He said: "It is no more than a man whose people have killed (and there is no shame upon him in that)." I struck him with my sword, but in vain until his sword fell down from his hand, with which I struck him until he died.

[ت139/م129] ـ باب في حمل الطعام من أرض العدو

2706 ـ حدّثنا سَعِيدُ بنُ مَنْصُورٍ، قال: حدَّثنا عَبْدُ اللَّهِ بنُ وَهْبٍ قال: أخبرني عَمْرُو بنُ الْحَارِثِ، أَنَّ ابنَ حَرْشَفٍ الأَزْدِيَّ حَدَّثَهُ، عن الْقَاسِمِ مَوْلَى عَبْدِ الرَّحْمٰنِ، عن بَعْضِ أَصْحَابِ النَّبيِّ ﷺ قال: «**كُنَّا نَأْكُلُ الْجَزُورَ في الْغَزْوِ وَلا نَقْسِمُهُ حَتَّى أَنْ كُنَّا لَنَرْجِعُ إلى رِحَالِنَا وَأَخْرِجَتُنَا مِنْهُ مُمْلأَةٌ**».

[ت140/م130] ـ باب في بيع الطعام إذا فَضَل عن الناس في أَرض العدو

2707 ـ حدّثنا مُحَمَّدُ بنُ المُصَفَّى: حدَّثنا مُحَمَّدُ بنُ المُبَارَكِ، عن يَحْيَى بنِ حَمْزَةَ قال: حدَّثنا أَبُو عَبْدِ العَزِيزِ ـ شَيْخٌ مِنْ أَهْلِ الأُرْدُنِّ ـ، عن عُبَادَةَ بنِ نُسَيٍّ، عن عَبْدِ الرَّحْمٰنِ بنِ غَنْمٍ قال: «رَابَطْنَا مَدِينَةَ قِنَّسْرِينَ مَعَ شُرَحْبِيلَ بنِ السِّمْطِ، فَلَمَّا فَتَحَهَا أَصَابَ فِيهَا غَنَمًا وَبَقَرًا، فَقَسَمَ فِينَا طَائِفَةً مِنْهَا وَجَعَلَ بَقِيَّتَهَا في المَغْنَمِ، فَلَقِيتُ مُعَاذَ بنَ جَبَلٍ فَحَدَّثْتُهُ، فَقَالَ مُعَاذٌ: غَزَوْنَا مَعَ رَسُولِ اللَّهِ ﷺ خَيْبَرَ فَأَصَبْنَا فيهَا غَنَمًا، فَقَسَمَ فِينَا رَسُولُ اللَّهِ ﷺ طَائِفَةً وَجَعَلَ بَقِيَّتَهَا في المَغْنَمِ».

[ت141/م131] ـ باب في الرجل ينتفع من الغنيمة بالشيء

2708 ـ حدّثنا سَعِيدُ بنُ مَنْصُورٍ وَعُثْمَانُ بنُ أَبي شَيْبَةَ، المعنى، قالَ أَبُو دَاوُدَ: وَأَنَا لِحَدِيثِهِ أَتْقَنُ، قالا: حدَّثنا أَبُو مُعَاوِيَةَ، عن مُحَمَّدِ بنِ إِسْحَاقَ، عن يَزِيدَ بنِ أَبي حَبِيبٍ، عن أَبي مَرْزُوقٍ مَوْلَى تُجِيبٍ، عن حَنَشٍ الصَّنْعَانِيِّ، عن رُوَيْفِعِ بنِ ثَابِتٍ الأَنْصَارِيِّ أَنَّ النَّبيَّ ﷺ قال: «**مَنْ كَانَ يُؤْمِنُ باللَّهِ وَالْيَوْمِ الآخِرِ فَلا يَرْكَبْ دَابَّةً مِنْ فَيْءِ المُسْلِمِينَ حَتَّى إذَا أَعْجَفَهَا رَدَّهَا فِيهِ، وَمَنْ كَانَ يُؤْمِنُ باللَّهِ وَالْيَوْمِ الآخِرِ فَلا يَلْبَسْ ثَوْبًا مِنْ فَيْءِ المُسْلِمِينَ حَتَّى إذَا أَخْلَقَهُ رَدَّهُ فيهِ**».

[ت142/م132] ـ باب في الرخصة في السلاح يقاتل به في المعركة

2709 ـ حدّثنا مُحَمَّدُ بنُ الْعَلاَءِ قال: أخبرنا إِبْرَاهِيمُ ـ يَعْني ابنَ يُوسُفَ ـ قَالَ أَبُو دَاوُدَ: هُوَ إِبْرَاهِيمُ بنُ يُوسُفَ بنِ إِسْحَاقَ بنِ أَبي إِسْحَاقَ السُّبَيْعِيِّ ـ عن أَبِيهِ، عن أَبي إِسْحَاقَ السُّبَيْعِيِّ قال: حدَّثني أَبُو عُبَيْدَةَ عن أَبِيهِ قال: «مَرَرْتُ فَإِذَا أَبُو جَهْلٍ صَرِيعٌ قَدْ ضُرِبَتْ رِجْلُهُ فَقُلْتُ: يَا عَدُوَّ اللَّهِ يَا أَبَا جَهْلٍ قَدْ أَخْزَى اللَّهُ الآخِرَ، قال: وَلاَ أَهَابُهُ عِنْدَ ذَلِكَ، فقال: أَبْعَدُ مِنْ رَجُلٍ قَتَلَهُ قَوْمُهُ، فَضَرَبْتُهُ بِسَيْفٍ غَيْرِ طَائِلٍ فَلَمْ يُغْنِ شَيْئًا حَتَّى سَقَطَ سَيْفُهُ مِنْ يَدِهِ فَضَرَبْتُهُ بِهِ حَتَّى بَرَدَ».

[143] The Severe Forbiddance Of Misappropriation

2710- It is narrated on the authority of Zaid Ibn Khalid Al-Juhani that he said: On the day of (the holy battle of) Khaibar, one from amongst the companions of the Messenger of Allah "Allah's blessing and peace be upon him" died, thereupon the Messenger of Allah "Allah's blessing and peace be upon him" said: "Offer funeral prayer on your companion!" (and he seemed to have the intention not to lead it). on that The (colour of the) people's faces changed. The Messenger of Allah "Allah's blessing and peace be upon him" said: "Your companion has misappropriated (something from the war booty while he was fighting) in Allah's Cause." We inspected his luggage and found beads of those belonging to the Jews, of a value of less than two Dirhams.

2711- It is narrated on the authority of Abu Hurairah that he said: When we set out with the Messenger of Allah "Allah's blessing and peace be upon him" in the year (in which we conquered) Khaibar, we gained neither gold nor silver as booty, but we gained garments, goods and wealth. Then the Messenger of Allah "Allah's blessing and peace be upon him" proceeded on to the valley of Al-Qura. On the other hand, A black slave called Mid'am had been given as a gift to the Messenger of Allah "Allah's blessing and peace be upon him". When they reached the valley of Al-Qura, and While Mid'am was dismounting the saddle of The Messenger of Allah "Allah's blessing and peace be upon him" he was hit by an arrow the thrower of which was unknown. The people said: "Congratulations to him for the martyrdom." The Messenger of Allah "Allah's blessing and peace be upon him" said: "No, by Him, in Whose Hand my soul is, the sheet (of cloth) which he had misappropriated on the day of Khaibar from the booty before its distribution, has become a flame of Fire burning him." On hearing that, a man brought one or two leather straps of shoes to The Prophet "Allah's blessing and peace be upon him" and said: "These are things I misappropriated." The Messenger of Allah "Allah's blessing and peace be upon him" said: "This is a strap, or these are two straps of Fire."

[144] The Leader Has The Right To Overlook The Insignificant Misappropriation

2712- It is narrated on the authority of Abdullah Ibn Amr that he said: Whenever the Messenger of Allah "Allah's blessing and peace be upon him" gained war booty (from a battle), he would command Bilal to make a public announcement to the people to bring their spoils so that one-fifth the total might be taken and then it would be distributed. Once, a man brought

[ت143/م133] ـ باب في تعظيم الغُلول

2710 ـ حدّثنا مُسَدَّدٌ، أَنَّ يَحْيَى بنَ سَعِيدٍ وَبِشْرَ بنَ المُفَضَّلِ حدَّثاهُمْ، عن يَحْيَى بنِ سَعِيدٍ، عن مُحَمَّدِ بنِ يَحْيَى بنِ حَيَّانَ، عن أَبي عَمْرَةَ، عن زَيْدِ بنِ خَالِدٍ الْجُهَنِيِّ: «أَنَّ رَجُلاً مِنْ أَصْحَابِ النَّبيِّ ﷺ تُوُفِّيَ يَوْمَ خَيْبَرَ، فَذَكَرُوا ذَلِكَ لِرَسُولِ اللَّهِ ﷺ، فقَالَ: «**صَلُّوا عَلَى صَاحِبِكُمْ**»، فَتَغَيَّرتْ وُجوهُ النَّاسِ لِذَلِكَ، فقال: «**إِنَّ صَاحِبَكُم غَلَّ في سَبِيلِ اللَّهِ**»، فَفَتَّشْنَا مَتَاعَهُ فَوَجَدْنَا خَرَزًا مِنْ خَرَزِ يَهُودَ لاَ يُسَاوِي دِرْهَمَيْنِ».

2711 ـ حدّثنا الْقَعْنَبيُّ، عن مَالِكٍ، عن ثَوْرِ بنِ زَيْدِ الدِّيْلِيِّ، عن أَبي الْغَيْثِ مَوْلَى ابنِ مُطِيعٍ، عن أَبي هُرَيْرَةَ أَنَّهُ قال: خَرَجْنَا مَعَ رَسُولِ اللَّهِ ﷺ عَامَ خَيْبَرَ فَلَمْ نَغْنَمْ ذَهَبًا وَلا وَرِقًا إِلاَّ الثِّيَابَ وَالمَتَاعَ وَالأَمْوَالَ. قال: فَوَجَّهَ رَسُولُ اللَّهِ ﷺ نَحْوَ وَادِي الْقُرَى وَقَدْ أُهْدِيَ لِرَسُولِ اللَّهِ ﷺ عَبْدٌ أَسْوَدُ يُقَالُ لَهُ مِدْعَمٌ، حَتَّى إِذَا كَانُوا بِوَادِي الْقُرَى، فَبَيْنَا مِدْعَمٌ يَحُطُّ رَحْلَ رَسُولِ اللَّهِ ﷺ إِذْ جَاءَهُ سَهْمٌ فَقَتَلَهُ، فَقَالَ النَّاسُ: هَنِيئًا لَهُ الْجَنَّةُ، فقال رَسُولُ اللَّهِ ﷺ: «**كَلاَّ وَالَّذِي نَفْسِي بِيَدِهِ إِنَّ الشَّمْلَةَ الَّتي أَخَذَهَا يَوْمَ خَيْبَرٍ مِنَ المَغَانِمِ لم تُصِبْهَا المَقَاسِمُ لَتَشْتَعِلُ عَلَيْهِ نَارًا**»، فَلَمَّا سَمِعُوا ذَلِكَ جَاءَ رَجُلٌ بِشِرَاكٍ أَوْ شِرَاكَيْنِ إلى رَسُولِ اللَّهِ ﷺ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «**شِرَاكٌ مِنْ نَارٍ**»، أَوْ قال: «**شِرَاكَانِ مِنْ نَارٍ**».

[ت144/م134] ـ باب في الغُلول إذا كان يسيرًا يتركه الإمام ولا يُحرِّق رحله

2712 ـ حدّثنا أَبُو صَالِحٍ مَحْبُوبُ بنُ مُوسَى قال: أخبرنا أَبُو إِسْحَاقَ الْفَزَارِيُّ، عن عَبْدِ اللَّهِ بنِ شَوْذَبٍ قال: حدَّثَني عَامِرٌ ـ يَعْني ابنَ عَبْدِ الْوَاحِدِ ـ، عن ابنِ بُرَيْدَةَ، عن عَبْدِ اللَّهِ بنِ عَمْرٍو قال: كَانَ رَسُولُ اللَّهِ ﷺ إِذَا أَصَابَ غَنِيمَةً أَمَرَ بِلاَلاً، فَنَادَى في النَّاسِ، فَيَجِيئُونَ بِغَنَائِمِهِمْ فَيَخْمُسُهُ وَيُقَسِّمُهُ، فَجَاءَ

a rein of hair after that (distribution) and said: "O Messenger of Allah! This was a part of the booty we gained in the battle." He asked him: "Have you not heard the public announcement made by Bilal?" he asked him thrice, after which the man answered: "Yes, I have heard it." He asked him: "Then, what has prevented you from bringing it duly?" he apologized to him, thereupon the Messenger of Allah "Allah's blessing and peace be upon him" said: "Then, let you bring it by yourself on the Day of Judgement: I will never accept it from you (in this world)."

[145] The Punishment Of Misappropriation

2713- It is narrated on the authority of Abu Waqid Al-Laithi from Salim from Ibn Umar, who traced it up to the Prophet that he said: "Whoever misappropriates (anything of the booty) burn his luggage." It is further narrated by him: I entered with Maslamah (Ibn Abd Al-Malik) the land of the Romans, and a man who committed misappropriation, was brought to him, and he asked Salim about (the judgement pertaining to him), thereupon he said: I heard my father relating from Umar Ibn Al-Khattab from the Messenger of Allah "Allah's blessing and peace be upon him" that he said: "When you find a man having misappropriated (anything of the booty) burn his luggage and strike him (severely)." We found a Mushaf in his luggage, and when he asked Salim about it he said: "Sell it, and give its price in charity."

2714- It is narrated on the authority of Salih Ibn Muhammad that he said: We took part in a battle under the leadership of Al-Walid Ibn Hisham, and both Salim Ibn Abdullah Ibn Umar and Umar Ibn Abd Al-Aziz were among us. A man misappropriated goods, thereupon Al-Walid ordered that his luggage should be burnt, and he was made to go round the people (out of disgracing him), and he was deprived of his share of booty.

Abu Dawud says: This narration is more correct than the former, which is transmitted by more than one, according to which Al-Walid burnt the luggage of Ziyad Ibn Sa'd and struck him for his misappropriation.

2715- It is narrated on the authority of Amr Ibn Shu'aib from his father from his grandfather that the Messenger of Allah "Allah's blessing and peace be upon him", followed by both Abu Bakr and Umar burnt the luggage of, and struck such as misappropriated (from the war booty) (and deprived him of his share according to the addition made by Al-Walid).

Abu Dawud says: The same is narrated on the authority of Amr Ibn Shu'aib through another chain of transmitters.

رَجُلٌ بَعْدَ ذَلِكَ بِزِمَامٍ منْ شَعَرٍ فقَالَ: يَا رَسُولَ اللَّهِ هَذَا فِيمَا كُنَّا أَصَبْنَاهُ من الْغَنِيمَةِ فَقَالَ: «**أَسَمِعْتَ بِلاَلاً يُنَادِي ثَلاَثًا؟**» قالَ: نَعَمْ. قالَ: «**فَمَا مَنَعَكَ أَنْ تَجِيءَ بِهِ؟**» فَاعْتَذَرَ إِلَيْهِ فقَالَ: «**كُنْ أَنْتَ تَجِيءُ بِهِ يَوْمَ الْقِيَامَةِ فَلَنْ أَقْبَلَهُ عَنْكَ**».

[ت145/م135] ـ باب في عقوبة الغَالِّ

2713 ـ حدّثنا النُّفَيْلِيُّ، وَسَعِيدُ بنُ مَنْصُورٍ قالاَ: حدَّثنا عَبْدُ العَزِيزِ بنُ مُحَمَّدٍ قال: النُّفَيْلِيُّ الأَنْدَرَاوَرْدِيُّ، عنْ صَالِحِ بنِ مُحَمَّدِ بنِ زَائِدَةَ. قَالَ أَبُو دَاوُدَ: وَصَالِحٌ هَذَا أَبُو وَاقِدٍ قالَ: «دَخَلْتُ مَعَ مُسْلَمَةَ أَرْضَ الرُّوم فَأُتِيَ بِرَجُلٍ قَدْ غَلَّ فَسَأَلَ سَالِمًا عَنْهُ فَقَالَ: سَمِعْتُ أَبِي يُحَدِّثُ، عن عُمَرَ بنِ الْخَطَّابِ، عن النَّبيِّ ﷺ قال: «**إِذَا وَجَدْتُمُ الرَّجُلَ قَدْ غَلَّ فَأَحْرِقُوا مَتَاعَهُ وَاضْرِبُوهُ**». قالَ: فَوَجَدْنَا في مَتَاعِهِ مُصْحَفًا، فَسَأَلَ سَالِمًا عَنْهُ، فقالَ: بِعْهُ وَتَصَدَّقْ بِثَمَنِهِ».

2714 ـ حدّثنا أَبُو صَالِحٍ مَحْبُوبُ بنُ مُوسَى الأَنْطَاكِيُّ قالَ: أخبرنا أَبُو إِسْحَاقَ، عن صَالِحِ بنِ مُحَمَّدٍ قال: «غَزَوْنَا مَعَ الْوَلِيدِ بنِ هِشَامٍ وَمَعَنَا سَالِمُ بنُ عَبْدِ اللَّهِ بنِ عُمَرَ، وَعُمَرُ بنُ عَبْدِ العَزِيزِ فَغَلَّ رَجُلٌ مَتَاعًا فَأَمَرَ الْوَلِيدُ بِمَتَاعِهِ فَأُحْرِقَ وَطِيفَ بِهِ وَلَمْ يُعْطِهِ سَهْمَهُ».

قال أَبُو دَاوُدَ: هَذَا أَصَحُّ الْحَدِيثَيْنِ رَوَاهُ غَيْرُ وَاحِدٍ أَن الْوَلِيدَ بنَ هِشَامٍ أَحْرَقَ رَحْلَ زِيَادِ بنِ سَعْدٍ وَكَانَ قَدْ غَلَّ وَضَرَبَهُ.

2715 ـ حدّثنا مُحَمَّدُ بنُ عَوْفٍ: حدَّثنا مُوسَى بنُ أَيُّوبَ، قال: حدَّثنا الْوَلِيدُ بنُ مُسْلِمٍ: حدَّثنا زُهَيْرُ بنُ مُحَمَّدٍ، عن عَمْرِو بنِ شُعَيْبٍ، عن أَبِيهِ، عنْ جَدِّهِ: «أَنَّ رَسُولَ اللَّهِ ﷺ وَأَبَا بَكْرٍ وَعُمَرَ حَرَّقُوا مَتَاعَ الْغَالِّ وَضَرَبُوهُ».

قال أَبُو دَاوُدَ: وَزَادَ فيهِ عَلِيُّ بنُ بَحْرٍ عن الْوَلِيدِ: «وَلَمْ أَسْمَعْهُ مِنْهُ، وَمَنَعُوهُ سَهْمَهُ».

قال أَبُو دَاوُدَ: وَحدَّثنا بِهِ الْوَلِيدُ بنُ عُتْبَةَ وَعَبْدُ الوَهَّابِ بنُ نَجْدَةَ، قالا: حدَّثنا الْوَلِيدُ، عن زُهَيْرِ بنِ مُحَمَّدٍ، عنْ عَمْرِو بنِ شُعَيْبٍ قَوْلَهُ وَلَمْ يَذْكُرْ عَبْدَ الوَهَّابِ بنِ نَجْدَةَ الْحَوْطِيِّ مَنَعَ سَهْمَهُ.

[146] It Is Forbidden To Screen The Crime Of Such As Misappropriates

2716- It is narrated on the authority of Samurah Ibn Jundub that he said: "To go further: The Messenger of Allah "Allah's blessing and peace be upon him" said: "He, who conceals (the crime of) such as misappropriates, is like him (in sin).""'

[147] The Belongings Of The Killed One Should Be Given To His Killer

2717- It is narrated on the authority of Abu Qatadah that he said: We set out with The Messenger of Allah "Allah's blessing and peace be upon him" (on an expedition) in the year of (the holy Battle of) Hunain. When we faced the enemy, some of the Muslims turned back. I saw a man from the unbelievers having overpowered one of the Muslims. I turned round and attacked him from behind, striking him between his neck and shoulder. He turned towards me and caught hold of me (so much violently) that I noticed death approaching me. Then death overtook him and he let me alone. I joined Umar Ibn Al-Khattab and said: "What has happened to the people (which led them to retreat)?" he said: "It is Allah's Decree." Then the people returned (and the battle ended with the victory of Muslims). The Messenger of Allah "Allah's blessing and peace be upon him" sat (to distribute the spoils of war) and said: "Whoever killed a pagan and has an evidence for it, then his (the deceased) belongings will be for him." I stood up and said (to myself): "Who will give evidence for me?" Then I sat down. He (The Prophet) said like this. I stood up and said: "Who will give evidence for me?" then, I sat down once again. He (The Prophet) said so for the third time, after which I stood up. The Messenger of Allah "Allah's blessing and peace be upon him" said: "What is the matter with you O Abu Qatadah?" I narrated the story to him. A man from among the people said: "He has told the truth O Messenger of Allah. The belongings of that (pagan) killed by him are with me. Make him concede his right (to me)." Abu Bakr said: "No, by Allah, this should not happen. The Messenger of Allah "Allah's blessing and peace be upon him" will not tend to deprive one of the lions of Allah who fights in the cause of Allah and His Messenger in order to give you his share of booty." The Messenger of Allah "Allah's blessing and peace be upon him" said: "He (Abu Bakr) has told the truth. Give the belongings to him (Abu Qatadah)." He gave them to me. I sold the armour (included in the belongings which I got) and bought with its price a garden in the street of Banu Salamah. This was the first property I gained after embracing Islam.

[ت146/م...] ـ باب النهي عن الستر على من غَلَّ

2716 ـ حدّثنا مُحَمَّدُ بنُ دَاوُدَ بنِ سُفْيَانَ، قال: حدَّثنا يَحْيَى بنُ حَسَّان، قال: حدَّثنا سُلَيْمَانُ بنُ مُوسَى أَبُو دَاوُدَ: حدَّثنا جَعْفَرُ بنُ سَعْدِ بنِ سَمُرَةَ بنِ جُنْدَبٍ، حدثني خُبَيْبُ بنُ سُلَيْمَانَ، عن أَبيهِ سُلَيْمَانَ بنِ سَمُرَةَ، عن سَمُرَةَ بنِ جُنْدَبٍ قال: أَمَّا بَعْدُ، كَانَ رَسُولُ اللَّهِ ﷺ يَقُولُ: «**مَنْ كَتَمَ غَالًّا فإنَّهُ مِثْلُهُ**».

[ت147/م136] ـ باب في السَّلَبِ يعطى القاتل

2717 ـ حدّثنا عَبْدُ اللَّهِ بنُ مَسْلَمَةَ الْقَعْنَبِيُّ، عن مَالِكٍ، عن يَحْيَى بنِ سَعدٍ، عنْ عَمْرِو بنِ كَثِيرِ بنِ أَفْلَحَ، عن أَبِي مُحَمَّدٍ مَوْلَى أَبِي قَتَادَةَ، عنْ أَبِي قَتَادَةَ أَنَّهُ قال: خَرَجْنَا مَعَ رَسُولِ اللَّهِ ﷺ في عَامِ حُنَيْنٍ، فَلَمَّا الْتَقَيْنَا كَانَتْ لِلْمُسْلِمِينَ جَوْلَةٌ، قالَ: فَرَأَيْتُ رَجُلاً مِنَ الْمُشْرِكِينَ قَدْ عَلاَ رَجُلاً مِنَ الْمُسْلِمِينَ قَالَ: فَاسْتَدَرْتُ لَهُ حَتَّى أَتَيْتُهُ منْ وَرَائِهِ فَضَرَبْتُهُ بالسَّيْفِ عَلَى حَبْلِ عَاتِقِهِ، فَأَقْبَلَ عَلَيَّ فَضَمَّنِي ضَمَّةً وَجَدْتُ مِنْهَا رِيحَ الْمَوْتِ ثُمَّ أَدْرَكَهُ الْمَوْتُ فَأَرْسَلَنِي فَلَحِقْتُ عُمَرَ بنِ الْخَطَّابِ فَقُلْتُ لَهُ: مَا بالُ النَّاسِ؟ قَالَ: أَمْرُ اللَّهِ، ثُمَّ إنَّ النَّاسَ رَجَعُوا وَجَلَسَ رَسُولُ اللَّهِ ﷺ فَقَالَ: «**مَنْ قَتَلَ قَتِيلاً لَهُ عَلَيْهِ بَيِّنَةٌ فَلَهُ سَلَبُهُ**» قال: فَقُمْتُ ثُمَّ قُلْتُ: مَنْ يَشْهَدُ لِي ثُمَّ جَلَسْتُ ثُمَّ قالَ الثَّانِيَةَ: «**مَنْ قَتَلَ قَتِيلاً لَهُ عَلَيْهِ بَيِّنَةٌ فَلَهُ سَلَبُهُ**». قالَ: فَقُمْتُ ثُمَّ قُلْتُ: مَنْ يَشْهَدُ لِي؟ ثُمَّ جَلَسْتُ ثُمَّ قَالَ ذَلِكَ الثَّالِثَةَ فَقُمْتُ فقالَ رَسُولُ اللَّهِ ﷺ: «**مَا لَكَ يَا أَبا قَتَادَةَ؟**» فَاقْتَصَصْتُ عَلَيْهِ الْقِصَّةَ فقالَ رَجُلٌ منَ الْقَوْمِ: صَدَقَ يَا رَسُولَ اللَّهِ، وَسَلَبُ ذَلِكَ الْقَتِيلِ عِنْدِي، فَأَرْضِهِ مِنْهُ، فقال أَبُو بَكرٍ الصِّدِّيقُ: لاَهَا اللَّهِ إذًا يَعْمِدُ إلى أَسَدٍ مِنْ أُسْدِ اللَّهِ يُقَاتِلُ عن اللَّهِ وَعَنْ رَسُولِهِ، فَيُعْطِيكَ سَلَبَهُ؟ فَقَالَ رَسُولُ اللَّهِ ﷺ: «**صَدَقَ فَأَعْطِهِ إيَّاهُ**».

فقال أَبُو قَتَادَةَ: «فَأَعْطَانِيهِ فَبِعْتُ الدِّرْعَ، فَابْتَعْتُ بِهِ مَخْرَفًا في بَنِي سَلِمَةَ فَإِنَّهُ لأَوَّلُ مَالٍ تَأَثَّلْتُهُ في الإِسْلاَمِ».

2718- It is narrated on the authority of Anas Ibn Malik that he said: On that day, i.e. the day of (the holy battle of) Hunain, the Messenger of Allah "Allah's blessing and peace be upon him" said: "He, who kills anyone of the pagans, should take his belongings." On that very day, Abu Talhah killed twenty pagans, and took their belongings. At the same time, he met Umm Sulaim (his wife) and she was having a dragon, thereupon he asked her: "What is that Umm Sulaim?" she said: "By Allah, in order to split open with this (dragon) the belly of such (of the pagans) as came closer to me." Abu Talhah made a mention of that to the Messenger of Allah "Allah's blessing and peace be upon him".

Abu Dawud describes this narration as good, and tells that the dragon was the weapon of the majority of the non-Arabs at that time.

[148] The Leader Prevents The Killer To Take The Belongings (Of The Killed One) In Case They Include Horse Or Weapons

2719- It is narrated on the authority of Awf Ibn Malik Al-Ashja'i that he said: I joined the expedition that proceeded under (the leadership of) Zaid Ibn Harithah to Mu'tah, and then, a reinforcement soldier from Yemen accompanied me (on the way), having nothing other than his sword. A man from amongst the Muslim slaughtered a camel, and when the reinforcement soldier asked him a portion of its hide he gave it to him, which he utilized as a container. Then, we proceeded on and faced he multitudes of the Romans, and among them there was a horseman riding a bold horse with golden saddle and he had a golden weapon. The Roman soldier went on fighting the Muslims so much fiercely, thereupon the reinforcement soldier lay in wait of him behind a rock, and when the Roman passed by him, he ensnared his horse and the Roman fell down, and he (the Muslim) overpowered him, and was able to kill him and got his belongings consisting of his horse and weapons. When Allah Almighty helped the Muslims overpower their enemy, Khalid Ibn Al-Walid (who was the leader) sent to him and took the belongings from him. Awf Ibn Malik said: I went to Khalid and said to him: "O Khalid! Do you not know that The Messenger of Allah "Allah's blessing and peace be upon him" judged that the booty (of an enemy) should be given to the one who killed him?" He (Khalid) said: "Yes, but I regarded it as too much." I said: "Either you should restore the belongings to him, or I would do harm to you with the help of the Messenger of Allah "Allah's blessing and peace be upon him"." Khalid refused to restore the belongings to him. Awf Ibn Malik further said: We gathered in the house of the Messenger of Allah "Allah's blessing and peace be upon him" and related to him the story of the reinforcement

2718 ـ حدّثنا مُوسَى بنُ إسْمَاعِيلَ: حدَّثنا حَمَّادٌ، عن إسْحَاقَ بنِ عَبْدِ اللَّهِ بنِ أَبِي طَلْحَةَ، عن أَنَسِ بنِ مَالِكٍ قالَ: «قالَ رَسُولُ اللَّهِ ﷺ يَوْمَئِذٍ يَعْني يَوْمَ حُنَيْنٍ ـ: «**مَنْ قَتَلَ كَافِرًا فَلَهُ سَلَبُهُ**». فَقَتَلَ أَبُو طَلْحَةَ يَوْمَئِذٍ عِشْرِينَ رَجُلاً وَأَخَذَ أَسْلاَبَهُمْ، وَلَقِيَ أَبُو طَلْحَةَ أُمَّ سُلَيْمٍ وَمَعَهَا خِنْجَرٌ، فَقالَ: يَا أُمَّ سُلَيْمٍ مَا هَذَا مَعَكِ؟ قالَتْ: أَرَدْتُ وَاللَّهِ إنْ دَنَا مِنِّي بَعْضُهُمْ أَبْعَجُ بِهِ بَطْنَهُ فَأَخْبَرَ بِذَلِكَ أَبُو طَلْحَةَ رَسُولَ اللَّهِ ﷺ».

قال أَبُو دَاوُدَ: هَذَا حديثٌ حَسَنٌ.

قال أَبُو دَاوُدَ: أَرَدْنَا بِهَذَا الْخِنْجَرَ، فَكَانَ سِلاَحَ الْعَجَمِ يَوْمَئِذٍ الْخِنْجَرُ.

[ت148/م137] ـ باب في الإمام يمنع القاتل السَّلب إن رأى والفرس والسلاح من السلب

2719 ـ حدّثنا أَحْمَدُ بنُ مُحَمَّدِ بنِ حَنْبَلٍ: حدَّثنا الْوَلِيدُ بنُ مُسْلِمٍ قالَ: حدثني صَفْوَانُ بنُ عَمْرٍو، عن عَبْدِ الرَّحْمٰنِ بنِ جُبَيْرِ بنِ نُفَيْرٍ، عن أَبِيهِ، عن عَوْفِ بنِ مَالِكٍ الأَشْجَعِيِّ قالَ: خَرَجْتُ مَعَ زَيْدِ بنِ حَارِثَةَ في غَزْوَةِ مُؤْتَةَ فَرَافَقَنِي مَدَدِيٌّ مِنْ أَهْلِ الْيَمَنِ لَيْسَ مَعَهُ غَيْرُ سَيْفِهِ، فَنَحَرَ رَجُلٌ مِنَ الْمُسْلِمِينَ جَزُورًا فَسَأَلَهُ الْمَدَدِيُّ طَائِفَةً مِنْ جِلْدِهِ فَأَعْطَاهُ إيَّاهُ فَاتَّخَذَهُ كَهَيْئَةِ الدَّرَقِ وَمَضَيْنَا فَلَقِينَا جُمُوعَ الرُّومِ وَفِيهِمْ رَجُلٌ عَلَى فَرَسٍ لَهُ أَشْقَرَ عَلَيْهِ سَرْجٌ مُذْهَبٌ وَسِلاَحٌ مُذْهَبٌ فَجَعَلَ الرُّومِيُّ يَفْرِي بالْمُسْلِمِينَ فَقَعَدَ لَهُ الْمَدَدِيُّ خَلْفَ صَخْرَةٍ فَمَرَّ بِهِ الرُّومِيُّ فَعَرْقَبَ فَرَسَهُ فَخَرَّ وَعَلاَهُ فَقَتَلَهُ وَحَازَ فَرَسَهُ وَسِلاَحَهُ، فَلَمَّا فَتَحَ اللَّهِ عَزَّ وَجَلَّ لِلْمُسْلِمِينَ بَعَثَ إلَيْهِ خَالِدُ بنُ الْوَلِيدِ فَأَخَذَ منَ السَّلَبِ، قالَ عَوْفٌ: فَأَتَيْتُهُ فَقُلْتُ: يَا خَالِدُ أَمَا عَلِمْتَ أَنَّ رَسُولَ اللَّهِ ﷺ قَضَى بالسَّلَبِ لِلْقَاتِلِ؟ قالَ: بَلَى وَلٰكِنِّي اسْتَكْثَرْتُهُ. قُلْتُ: لَتَرُدَّنَّهُ إلَيْهِ أَوْ لأُعَرِّفَنَّكَهَا عِنْدَ رَسُولِ اللَّهِ ﷺ فَأَبَى أَنْ يَرُدَّ عَلَيْهِ. قالَ عَوْفٌ: فَاجْتَمَعْنَا عِنْدَ رَسُولِ اللَّهِ ﷺ فَقَصَصْتُ عَلَيْهِ قِصَّةَ

soldier, and what Khalid had done with him. He (The Prophet) asked Khalid: "What did prevent you to give him the booty?" he replied: "I regarded it as too much O Messenger of Allah." the Messenger of Allah "Allah's blessing and peace be upon him" said: "Restore to him what you have taken from him O Khalid." Then, I said: "Against your will O Khalid! Has what I had reported to you happened?" The Messenger of Allah "Allah's blessing and peace be upon him" asked: "What is that?" I made a mention of that to him, thereupon the Messenger of Allah "Allah's blessing and peace be upon him" got angry and said: "Do not restore to him anything O Khalid! Would you leave my leaders for me? However, (is it not out of injustice that) its clearness (i.e. the best reward) is for you, and its dirt (i.e. the blame) is for those (leaders)."

2720- The same is narrated on the authority of Awf Ibn Malik Al-Ashja'i through the same chain of transmitters.

[149] No Fifth Should Be Taken From The Belongings

2721- It is narrated on the authority of both Awf Ibn Malik Al-Ashja'i and Khalid Ibn Al-Walid that the Messenger of Allah "Allah's blessing and peace be upon him" passed the judgement that the belongings (of the killed one) should be given to the killer, and no fifth should be given out of the belongings.

[150] Such As Puts An End To The Life Of A Fatally Wounded Man Has The Right To Be Given Of His Belongings

2722- It is narrated on the authority of Abdullah Ibn Mas'ud that he said: On the day of (the holy battle of) Badr, the Messenger of Allah "Allah's blessing and peace be upon him" gave me the sword of Abu Jahl. (He had put an end to his life, after both sons of Afra' wounded him fatally).

[151] When One Comes After (The Distribution Of The) War Booty, No Share Should Be Assigned To Him

2723- It is narrated on the authority of Abu Hurairah that he said: The Messenger of Allah "Allah's blessing and peace be upon him" sent Aban Ibn Sa'id Ibn Al-As from Medina to Najd leading a certain detachment. Aban and his companions came to The Prophet "Allah's blessing and peace be upon him" at Khaibar after it had been conquered by The Prophet "Allah's blessing and peace be upon him". The reins of their horses were made of the fiber of date palm trees. Aban said: "Assign to us a share (from the booty) O Messenger of Allah!" Abu Hurairah said: I said: "O Allah's Apostle! Do not give them a share from the booty." Aban said (pointing to me): "How strange! You suggest such a thing though you are what you are,

الْمَدَدِيِّ وَمَا فَعَلَ خَالِدٌ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «**يَا خَالِدُ مَا حَمَلَكَ عَلَى مَا صَنَعْتَ؟**» قال: يَا رَسُولَ اللَّهِ اسْتَكْثَرْتُهُ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «**يَا خَالِدُ رُدَّ عَلَيْهِ مَا أَخَذْتَ مِنْهُ**». قَالَ عَوْفٌ: فَقُلْتُ لَهُ: دُونَكَ يَا خَالِدُ أَلَمْ أَفِ لَكَ؟ فَقَالَ رَسُولُ اللَّهِ ﷺ: «**وَمَا ذَاكَ؟**» قَالَ: فَأَخْبَرْتُهُ. قَالَ: فَغَضِبَ رَسُولُ اللَّهِ ﷺ وَقَالَ: «**يَا خَالِدُ لاَ تَرُدَّ عَلَيْهِ هَلْ أَنْتُمْ تَارِكُونَ لِي أُمَرَائِي لَكُم صَفْوَةُ أَمْرِهِمْ وَعَلَيْهِم كَدَرُهُ**».

2720 ـ حدّثنا أَحْمَدُ بنُ مُحَمَّدِ بنِ حَنْبَلٍ، قال: حدَّثنا الْوَلِيدُ، قالَ: سَأَلْتُ ثَوْرًا عنْ هَذَا الْحَدِيثِ فحدَّثني عنْ خالِدِ بنِ مَعْدَانَ، عنْ جُبَيْرِ بنِ نُفَيْرٍ، عنْ أَبِيهِ، عنْ عَوْفِ بنِ مَالِكٍ الأَشْجَعِيِّ نَحْوَهُ.

[ت149/م138] ـ باب في السَّلب لا يُخَمَّس

2721 ـ حدّثنا سَعِيدُ بنُ مَنْصُورٍ: حدَّثنا إِسْمَاعِيلُ بنُ عَيَّاشٍ، عنْ صَفْوَانَ بنِ عَمْرٍو، عن عَبْدِ الرَّحْمٰنِ بنِ جُبَيْرِ بنِ نُفَيْرٍ، عن أَبِيهِ، عن عَوْفِ بنِ مَالِكٍ الأَشْجَعِيِّ وَخَالِدِ بنِ الْوَلِيدِ: «أَنَّ رَسُولَ اللَّهِ ﷺ قَضَى بالسَّلَبِ لِلْقَاتِلِ وَلَمْ يُخَمِّسِ السَّلَبَ».

[ت150/م139] ـ باب من أجازَ على جريح مثخن يُنفَّلُ من سَلَبه

2722 ـ حدّثنا هَارُونُ بنُ عَبَّادٍ الأَزْدِيُّ: حدَّثنا وَكِيعٌ، عن أَبِيهِ، عن أَبي إِسْحَاقَ، عنْ أَبي عُبَيْدَةَ، عن عَبْدِ اللَّهِ بنِ مَسْعُودٍ قالَ: «نَفَّلَنِي رَسُولُ اللَّهِ ﷺ يَوْمَ بَدْرٍ سَيْفَ أَبي جَهْلٍ، كَانَ قَتَلَهُ».

[ت151/م140] ـ باب فيمن جاء بعد الغنيمة لا سهم له

2723 ـ حدّثنا سَعِيدُ بنُ مَنْصُورٍ: حدَّثنا إِسْمَاعِيلُ بنُ عَيَّاشٍ، عن مُحَمَّدِ بنِ الْوَلِيدِ الزُّبَيْدِيِّ، عن الزُّهْرِيِّ أَنَّ عَنْبَسَةَ بنَ سَعِيدٍ أَخْبَرَهُ أَنَّهُ سَمِعَ أَبَا هُرَيْرَةَ يُحَدِّثُ سَعِيدَ بنَ الْعَاصِ: «أَنَّ رَسُولَ اللَّهِ ﷺ بَعَثَ أَبَانَ بنَ سَعِيدِ بنِ الْعَاصِ عَلَى سَرِيَّةٍ مِنَ الْمَدِينَةِ قِبَلَ نَجْدٍ، فَقَدِمَ أَبَانُ بنُ سَعِيدٍ وَأَصْحَابُهُ عَلَى رَسُولِ اللَّهِ ﷺ بِخَيْبَرَ بَعْدَ أَنْ فَتَحَهَا وَإِنَّ حُزُمَ خَيْلِهِمْ لِيفٌ، فقال أَبَانُ: اقْسِمْ لَنَا يَا رَسُولَ اللَّهِ، فقال أَبُو هُرَيْرَةَ فَقُلْتُ: لاَ تَقْسِمْ لَهُمْ يَا رَسُولَ اللَّهِ، فقال أَبَانُ: أَنْتَ بِهَا يَا وَبْرُ تَحَدَّرُ

O guinea pig coming down from the top of (the mountain of) grazing sheep!" The Prophet “Allah’s blessing and peace be upon him” said: "O Aban, sit down!" the Messenger of Allah “Allah’s blessing and peace be upon him” gave them no share.

2724- It is narrated on the authority of Anbasah Ibn Sa’id from Abu Hurairah that he said: I came to The Messenger of Allah “Allah’s blessing and peace be upon him” in Medina, after having conquered Khaibar, and asked him to be given a share (of the booty). But a son belonging to Sa’id Ibn Al-As said to him (The Prophet): “O Messenger of Allah! Do not give him anything of the war booty.” Abu Hurairah said: I replied: “This (Aban Ibn Sa’id Ibn Al-As) is the murderer of Ibn Qawqal.” Aban Ibn Sa’id said: "How strange! A guinea pig coming from (the mountain of) Qadum of grazing sheep blames me for killing a Muslim who was given superiority by Allah at my hands, and Allah did not disgrace me at his hands (because I Was not killed as an infidel)!"

Abu Dawud says: This (military expedition led by Aban) was of ten men, six of whom were killed and the remaining four returned.

2725- It is narrated on the authority of Abu Musa Al-Ash’ari that he said: We came (from Yemen) and joined the Messenger of Allah “Allah’s blessing and peace be upon him” by the time he had conquered Khaibar, and he gave us a share thereof, even though he gave nothing to such as did not take part in the conquest of Khaibar barring those who accompanied us in the ship, i.e. Ja’far and his companions, who were given a share thereof.

2726- It is narrated on the authority of Ibn Umar that he said: On the day of (the holy battle of) Badr, the Messenger of Allah “Allah’s blessing and peace be upon him” stood and addressed the people saying: “Uthman (Ibn Affan) went to fulfill a need required from him by Allah and His Messenger, and I give the pledge of allegiance (for war) on his behalf.” He fixed a share to him, even though he fixed no share to anyone other than him, who did not attend the battle. (It is well-known that his wife Ruqayyah, the daughter of the Messenger of Allah “Allah’s blessing and peace be upon him” was fatally ill, and he had to remain with her to lead the funeral prayer for her, and undertake her burial ceremonies).

[152] A Woman Or A Slave Might Be Given Something From The War Booty

2727- It is narrated on the authority of Yazid Ibn Hurmuz that Najdah sent a letter to Ibn Abbas asking him about such and such things, (and he mentioned many) including whether the slave should have something of the

عَلَيْنَا مِنْ رَأْسِ ضَالٍ، فقال النَّبيُّ ﷺ: «**اجْلِسْ يَا أَبَانُ**»، وَلَم يَقْسِمْ لَهُمْ رَسُولُ اللَّهِ ﷺ».

2724 ـ حدّثنا حَامِدُ بنُ يَحيَى الْبَلْخِيُّ قال: حدَّثنا سُفْيَانُ: حدَّثنا الزُّهْرِيُّ وَسَأَلَهُ إِسْمَاعِيلُ بنُ أُمَيَّةَ فَحَدَّثَنَاهُ الزُّهْرِيُّ أَنَّهُ سَمِعَ عَنْبَسَةَ بنَ سعيدٍ الْقُرَشِيَّ يُحَدِّثُ، عن أبي هُرَيْرَةَ قال: «قَدِمْتُ المَدِينَةَ وَرَسُولُ اللَّهِ ﷺ بِخَيْبَرَ حِينَ افْتَتَحَهَا، فَسَأَلْتُهُ أَنْ يُسْهِمَ لِي، فَتَكَلَّمَ بَعْضُ وَلَدِ سَعِيدِ بنِ الْعَاصِ، فقالَ: لاَ تُسْهِمْ لَهُ يَا رَسُولَ اللَّهِ، قال: فَقُلْتُ: هَذَا قَاتِلُ ابنِ قَوْقَلٍ، فقال سَعِيدُ بنُ الْعَاصِ: يَا عَجَبًا لِوَبْرٍ قَدْ تَدَلَّى عَلَيْنَا مِنْ قَدُومِ ضَالٍ يُعَيِّرُنِي بِقَتْلِ امْرِىءٍ مُسْلِمٍ أَكْرَمَهُ اللَّهُ تَعَالَى عَلَى يَدَيَّ وَلَمْ يُهِنِّي عَلى يَدَيْهِ».

قال أَبُو دَاوُدَ: هؤلاء كانوا نَحْوَ عَشَرَةٍ. فَقُتِلَ منهم سِتَّةٌ ورَجَعَ مَنْ بَقِيَ.

2725 ـ حدّثنا مُحَمَّدُ بنُ الْعَلاَءِ: حدَّثنا أَبُو أُسَامَةَ: حدَّثنا بُرَيْدٌ، عن أَبي بُرْدَةَ، عن أَبي مُوسَى، قال: «قَدِمنَا فَوَافَقْنَا رَسُولَ اللَّهِ ﷺ حِينَ افْتَتَحَ خَيْبَرَ فَأَسْهَمَ لَنَا، أَوْ قال: فَأَعْطَانَا مِنْهَا، وَمَا قَسَمَ لأَحدٍ غَابَ عن فَتْحِ خَيْبَرَ مِنْهَا شَيْئاً إِلاَّ لِمَنْ شَهِدَ مَعَهُ إِلاَّ أَصْحَابَ سَفِينَتِنَا جَعْفَرٌ وَأَصْحَابُهُ، فَأَسْهَمَ لَهُمْ مَعَهُمْ».

2726 ـ حدّثنا مَحْبُوبُ بنُ مُوسَى أَبُو صَالِحٍ قال: أخبرنا أَبُو إِسْحَاقَ الْفَزَارِيُّ، عن كُلَيْبِ بنِ وَائِلٍ، عن هَانِىءِ بنِ قَيْسٍ، عن حَبِيبِ بنِ أَبِي مُلَيْكَةَ، عن ابنِ عُمَرَ قال: «إِنَّ رَسُولَ اللَّهِ ﷺ قامَ ـ يَعني يَوْمَ بَدْرٍ ـ فقال: «**إِنَّ عُثْمَانَ انْطَلَقَ في حَاجَةِ اللَّهِ وَحَاجَةِ رَسُولِهِ وَإِنِّي أُبَايِعُ لَهُ**» فَضَرَبَ لَهُ رَسُولُ اللَّهِ ﷺ بِسَهْمٍ وَلَم يَضْرِبْ لأَحدٍ غَابَ غَيْرُهُ».

[ت152/م141] ـ باب المرأة والعبد يُحْذَيان من الغنيمة

2727 ـ حدّثنا مَحْبُوبُ بنُ مُوسَى أَبُو صَالِحٍ: حدَّثنا أَبُو إِسْحَاقَ الْفَزَارِيُّ، عن زَائِدَةَ، عن الأَعْمَشِ، عن المُخْتَارِ بنِ صَيْفِي، عن يَزِيدَ بنِ هُرْمُزَ، قال: «كَتَبَ نَجْدَةُ إلى ابنِ عَبَّاسٍ يَسْأَلُهُ عن كَذَا وَكَذَا ذَكَرَ أَشْيَاءَ وَعن المَمْلُوكِ أَلَهُ في

war booty, and whether the women used to set out in the company of The Messenger of Allah "Allah's blessing and peace be upon him" in his holy battles, and whether he would fix shares for them from the war booty. Ibn Abbas said: "Had it not been for fear that he would behave foolishly, I would not have written anything to him. As to the slave, he was accustomed to be given something of the war booty. As to women, they used (to set out with the Prophet in order) to treat the wounded persons, and provide water (to the soldiers) (and they would get something from the booty, but the Prophet did not fix certain shares to them as those of the fighters)."

2728- It is narrated on the authority of Yazid Ibn Hurmuz that he said: Najdah Ibn Amir Al-Haruri wrote to Ibn Abbas asking him about the women as to whether they used to take part in the war with the Messenger of Allah "Allah's blessing and peace be upon him", and whether he used to fix a share for them. I wrote the reply message of Ibn Abbas to Najdah by myself: "As to women, they used to attend the war in the company of the Messenger of Allah "Allah's blessing and peace be upon him"; but as to the fact that he would fix a share of the booty to them, no share was fixed to them (as those given to the fighting men) but he used to give them something as a reward."

2729- It is narrated on the authority of Hashrajah Ibn Ziyad from his grandmother, i.e. his father's mother that she said: I set out with the Messenger of Allah "Allah's blessing and peace be upon him" in the holy battle of Khaibar, and I was the sixth of six women, and when the news of that reached the Messenger of Allah "Allah's blessing and peace be upon him" he sent for us, and we came to him, and found the (traces of) anger on his face. He said: "With whom have you set out, and with which permission have you come out?" we said: "O Messenger of Allah! We set out with the purpose to spin hair and help (the fighters) in Allah's Cause. We also have medicine for the wounded; and we also give arrows to the archers, and provide men with Sawiq." He ordered us to stand. When Allah helped him conquer Khaibar he fixed a share to us as he did with the men. I asked her: "O my grandmother! Of which things did your share consist?" she said: "Of dates."

2730- It is narrated on the authority of Umair, the freed slave of the Rejecter of Meat that he said: I set out in the company of my masters to attend the holy battle of Khaibar, and when my masters made a mention of me to the Messenger of Allah "Allah's blessing and peace be upon him", he ordered that a sword be given to me (therewith to fight); and behold! I was

الْفَيْءِ شَيْءٌ؟ وَعن النِّسَاءِ هَلْ كُنَّ يَخْرُجْنَ مَعَ رَسُولِ اللَّهِ ﷺ، وَهَلْ لَهُنَّ نَصِيبٌ؟ فقال ابنُ عَبَّاسٍ: لَوْلاَ أَنْ يَأْتِيَ أُحْمُوقَةً ما كَتَبْتُ إِلَيْهِ، أَمَّا الْمَمْلُوكُ فَكَانَ يُحْذَى، وَأَمَّا النِّسَاءُ فَكُنَّ يُدَاوِينَ الْجَرْحَى وَيَسْقِينَ الْمَاءَ».

2728 ـ حدّثنا مُحَمَّدُ بنُ يَحْيَى بنِ فَارِسَ: حدَّثنا أَحْمَدُ بنُ خَالِدٍ ـ يَعني الْوَهْبِيَّ ـ قال: حدَّثنا ابنُ إِسْحَاقَ، عن أَبي جَعْفَرٍ وَالزُّهْرِيِّ، عن يَزِيدَ بنِ هُرْمُزَ قال: «كَتَبَ نَجْدَةُ الْحَرُورِيُّ إلى ابنِ عَبَّاسٍ يَسْأَلُهُ عن النِّسَاءِ هَلْ كُنَّ يَشْهَدْنَ الْحَرْبَ مَعَ رَسُولِ اللَّهِ ﷺ، وَهَلْ كَانَ يُضْرَبُ لَهُنَّ بِسَهْمٍ؟ قال: فَأَنَا كَتَبْتُ كِتَابَ ابنَ عَبَّاسٍ إلى نَجْدَةَ: قَدْ كُنَّ يَحْضُرْنَ الْحَرْبَ مَعَ رَسُولِ اللَّهِ ﷺ، فَأَمَّا أَنْ يضرب لَهُنَّ بِسَهْمٍ فَلاَ وَقَدْ كَانَ يَرْضَخُ لَهُنَّ».

2729 ـ حدّثنا إِبْرَاهِيمُ بنُ سَعِيدٍ وَغَيْرُهُ، قالاَ: أخبرنا زَيْدٌ ـ يَعني ابنَ الْحُبَابِ ـ: حدَّثنا رَافِعُ بنُ سَلَمَةَ بنِ زِيَادٍ قال: حدَّثَنِي حَشْرَجُ بنُ زِيَادٍ عن جَدَّتِهِ أُمِّ أَبِيهِ: «أَنَّها خَرَجَتْ مَعَ رَسُولِ اللَّهِ ﷺ في غَزْوَةِ خَيْبَرَ سَادِسَ سِتِّ نِسْوَةٍ، فَبَلَغَ رَسُولَ اللَّهِ ﷺ فَبَعَثَ إِلَيْنَا فَجِئْنَا، فَرَأَيْنَا فِيهِ الْغَضَبَ، فَقَالَ: «**مَعَ مَنْ خَرَجْتُنَّ وَبِإِذْنِ مَنْ خَرَجْتُنَّ؟**»، فَقُلْنَا: يَا رَسُولَ اللَّهِ خَرَجْنَا نَغْزِلُ الشَّعَرَ وَنُعِينُ بِهِ في سَبِيلِ اللَّهِ، وَمَعَنَا دَوَاءٌ لِلْجَرْحَى وَنُنَاوِلُ السِّهَامَ وَنَسْقِي السَّوِيقَ، فقال: «**قُمْنَ**». حَتَّى إِذَا فَتَحَ اللَّهِ عَلَيْهِ خَيْبَرَ أَسْهَمَ لَنَا كما أَسْهَمَ لِلرِّجَالِ. قال: فَقُلْتُ لَهَا: يا جَدَّةُ وَمَا كَانَ ذَلِكَ؟ قالَتْ: تَمْرًا».

2730 ـ حدّثنا أَحْمَدُ بنُ حَنْبَلٍ: حدَّثنا بِشْرٌ ـ يَعني ابنَ الْمُفَضَّلِ ـ، عن مُحَمَّدِ بنِ زَيْدٍ قال: حدثني عُمَيْرٌ مَوْلَى آبِي اللَّحْمِ قال: «شَهِدْتُ خَيْبَرَ مع سَادَتِي فَكَلَّمُوا فِيَّ رَسُولَ اللَّهِ ﷺ فَأَمَرَ بِي فَقُلِّدْتُ سَيْفًا فإِذَا أَنَا أَجُرُّهُ

dragging it, and when he was told that I was a slave, he ordered that something of the furniture should be given to me.

Abu Dawud says: This means he fixed no share to him.

Abu Dawud says: Abu Ubaid said: As to the Rejecter of Meat, he forbade eating meat to himself, and thus he was given that name.

2731- It is narrated on the authority of Jabir that he said: I used to get down to the lowest portion of the well to fill the bucket with water and give it to my companions on the day of (the holy battle of) Badr.

[153] A Share Should Be Given To The Participant

2732- It is narrated on the authority of A'ishah that a man belonging to the pagans joined the Messenger of Allah "Allah's blessing and peace be upon him" and offered to fight in his side, thereupon the Messenger of Allah "Allah's blessing and peace be upon him" said to him: "Go back, since we never seek the aid of a pagan."

[154] The Two Shares Of The Horse

2733- It is narrated on the authority of Ibn Umar that Allah's Apostle "Allah's blessing and peace be upon him" gave every horseman three shares (from the war booty): one for himself, and the remaining two for his horse.

2734- It is narrated on the authority of Abu Amrah from his father that he said: We came to the Messenger of Allah "Allah's blessing and peace be upon him" (to take part in a holy battle with him) and we were four men and a horse, and he gave a share for each, and two for our horse.

2735- The same is narrated on the authority of Abu Amrah, with the change that he substituted three for four, and said: The horseman (among us) had three shares.

[155] What About Such As Is Given A Share?

2736- It is narrated on the authority of Mujammi' Ibn Jariyah Al-Ansari, and he was one of those who recited the Qur'an that he said: We attended the (holy battle of) Hudaibiyah with the Messenger of Allah "Allah's blessing and peace be upon him", and when we turned away behold! The people started moving their riding camels thereupon some people said to others: "What is the matter with the people?" they said: "It was divinely revealed to the Messenger of Allah "Allah's blessing and peace be upon him"." We came out rushing hurriedly with the people and found the Messenger of Allah "Allah's blessing and peace be upon him" standing to his camel at (the place of) Kira' Al-Ghamam, and when the people gathered

فأُخْبِرَ أنّي مَمْلُوكٌ فأَمَرَ لِي بِشَيْءٍ مِنْ خُرْثِيِّ المَتَاعِ».

قال أَبُو دَاوُدَ: مَعْنَاهُ أَنَّهُ لم يُسْهِمْ لَهُ.

قال أَبُو دَاوُدَ: قال أَبُو عُبَيْدٍ: كَانَ حَرَّمَ اللَّحْمَ عَلَى نَفْسِهِ فَسُمِّيَ آبِيَ اللَّحْمِ.

2731 ـ حدّثنا سَعِيدُ بنُ مَنْصُورٍ: حدثنا أَبُو مُعَاوِيَةَ، عن الأَعمَشِ، عن أَبِي سُفْيَانَ، عن جَابِرٍ قالَ: «كُنْتُ أَمِيحُ أَصْحَابِي المَاءَ يَوْمَ بَدْرٍ».

[ت153/م142] ـ باب في المشرك يسهم له

2732 ـ حدّثنا مُسَدَّدٌ، وَيَحْيَى بنُ مَعِينٍ، قالاَ: حدَّثنا يَحْيَى، عن مَالِكٍ، عن الْفُضَيْلِ، عن عَبْدِ اللَّهِ بنِ نِيَارٍ، عن عُرْوَةَ، عن عَائِشَةَ ـ قالَ يَحْيَى ـ: أَنَّ رَجُلاً مِنَ المُشْرِكِينَ لَحِقَ بالنَّبِيِّ ﷺ لِيُقَاتِلَ مَعَهُ فقال: «**ارْجِعْ**» ثُمَّ اتَّفَقَا فَقَالَ: «**إنَّا لاَ نَسْتَعِينُ بِمُشْرِكٍ**».

[ت154/م143] ـ باب في سهمان الخيل

2733 ـ حدّثنا أَحْمَدُ بنُ حَنْبَلٍ: حدَّثنا أَبُو مُعَاوِيَةَ: حدَّثنا عُبَيْدُ اللَّهِ، عن نَافِعٍ، عن ابنِ عُمَرَ: «أَنَّ رَسُولَ اللَّهِ ﷺ أَسْهَمَ لِرَجُلٍ وَلِفَرَسِهِ ثَلاَثَةَ أَسْهُمٍ: سَهْمًا لَهُ وَسَهْمَيْنِ لِفَرَسِهِ».

2734 ـ حدّثنا أَحْمَدُ بنُ حَنْبَلٍ: حدّثنا أَبُو مُعَاوِيَةَ: حدَّثنا عَبْدُ اللَّهِ بنُ يَزِيدَ: حدَّثنا المَسْعُودِيُّ: حدثني أَبو عَمْرَةَ عن أَبِيهِ قالَ: «أَتَيْنَا رَسُولَ اللَّهِ ﷺ أَرْبَعَةَ نَفَرٍ وَمَعَنَا فَرَسٌ، فَأَعْطَى كُلَّ إنْسَانٍ مِنَّا سَهْمًا وَأَعْطَى الْفَرَسَ سَهْمَيْنِ».

2735 ـ حدّثنا مُسَدَّدٌ: حدثنا أُمَيَّةُ بنُ خَالِدٍ: حدَّثنا المَسْعُودِيُّ عن رَجُلٍ مِنْ آلِ أَبِي عَمْرَةَ، عن أَبِي عَمْرَةَ بِمَعْنَاهُ، إلاَّ أَنَّهُ قَالَ: ثَلاَثَةَ نَفَرٍ زَادَ: «فَكَانَ لِلْفَارِسِ ثَلاَثَةُ أَسْهُمٍ».

[ت155/م143] ـ باب فيمن أَسهم له سهماً

2736 ـ حدّثنا مُحَمَّدُ بنُ عِيسَى: حدَّثنا مُجَمِّعُ بنُ يَعْقُوبَ بنِ مُجَمِّعِ بنِ يَزِيدَ الأَنْصَارِيُّ قالَ: سَمِعْتُ أَبِي يَعْقُوبَ بنَ المُجَمِّعِ يَذْكُرُ عن عَمِّهِ عَبْدِ الرَّحْمٰنِ بنِ يَزِيدَ الأَنْصَارِيِّ، عن عَمِّهِ مُجَمِّعِ بنِ جَارِيَةَ الأَنْصَارِيِّ قالَ: وَكَانَ أَحَدَ الْقُرَّاءِ الَّذِينَ قَرأُوا الْقُرْآنَ قالَ: «شَهِدْتُ الْحُدَيْبِيَةَ مَعَ رَسُولِ اللَّهِ ﷺ، فَلَمَّا انْصَرَفْنَا عَنْهَا إذَا النَّاسُ يَهُزُّونَ الأَبَاعِرَ، فَقَالَ بَعْضُ النَّاسِ لِبَعْضٍ: مَا لِلنَّاسِ؟ قَالُوا: أُوحِيَ إلَى النَّبِيِّ ﷺ فَخَرَجْنَا مَعَ النَّاسِ نُوجِفُ فَوَجَدْنَا النَّبِيَّ ﷺ وَاقِفًا عَلَى رَاحِلَتِهِ عِنْدَ كُرَاعِ الْغَمِيمِ فَلَمَّا

to him he recited to them: “Verily We have granted you a manifest Victory: That Allah may forgive you your faults of the past and those to follow; fulfill His favour to you; and guide you on the Straight Way; And that Allah may help you with powerful help.” A man asked: “O Messenger of Allah! Is it a conquest (to come)?” the Messenger of Allah “Allah's blessing and peace be upon him” said: “Yes, by Him in Whose Hand is the soul of Muhammad: it is a conquest.” (When Khaibar was conquered) it was distributed among the attendants of Hudaibiyah. The Messenger of Allah “Allah's blessing and peace be upon him” divided it into eighteen (each containing one hundred sub-shares) shares: the army consisted of fifteen hundred including three hundred horsemen. In this way, he gave two shares to each one of the cavalry, and a single share to each one of the infantry.

Abu Dawud says: The narration of Abu Mu'awiyah is more correct, in which he tells that they were two hundred horsemen, and not three hundred as Mujammi' relates mistakenly.

[156] The Extra Giving Beyond The Fixed Share

2737- It is narrated on the authority of Ibn Abbas that he said: When it was the day of (the holy battle of) Badr, the Messenger of Allah “Allah's blessing and peace be upon him” said: “Whoever does such and such a thing (in fight) will have such and such a reward (of the booty).” The young men competed one another in that, while the old men remained under the flag (in view of their weakness and old age). At the time of distributing the spoils, the young men came to the Messenger of Allah “Allah's blessing and peace be upon him” and asked him what they were promised. On that the old men said: “Do not give yourselves superiority over us in this matter. Indeed, we acted as protectors for you, and had you been exposed to defeat, surely, you would have returned to take shelter with us.” The young men refused and said: “No doubt, the Messenger of Allah “Allah's blessing and peace be upon him” has (promised to) assign it to us.” Both parties disputed over that until Allah Almighty revealed: “They ask you concerning the Anfal (spoils of war). Say: "The spoils are at the disposal of Allah and the Messenger: so fear Allah, and keep straight the relations between yourselves, and Obey Allah and His Messenger, if you really have faith... Just as your Lord ordered you out of your house in truth, even though a party among the Believers disliked it." This was (source of) goodness for them. It also means that you should obey Me (Allah), since I have better knowledge than you of the resulting consequences.

2738- It is narrated on the authority of Ibn Abbas that he said: When it was the day of (the holy battle of) Badr, the Messenger of Allah “Allah's blessing

اجْتَمَعَ عَلَيْهِ النَّاسُ قَرَأَ عَلَيْهِمْ ﴿إِنَّا فَتَحْنَا لَكَ فَتْحًا مُّبِينًا ①﴾ [الفتح: 1]، فَقالَ رَجُلٌ: يَا رَسُولَ اللَّهِ أَفَتْحٌ هُوَ؟ قالَ: «**نَعَمْ وَالَّذِي نَفْسُ مُحَمَّدٍ بِيَدِهِ إِنَّهُ لَفَتْحٌ**»، فَقُسِّمَتْ خَيْبَرُ عَلَى أَهْلِ الْحُدَيْبِيَةِ فَقَسَّمَهَا رَسُولُ اللَّهِ ﷺ عَلَى ثَمَانِيَةَ عَشَرَ سَهْمًا، وَكَانَ الْجَيْشُ أَلْفاً وَخَمْسَمِائَةٍ، فِيهِمْ ثلاثُمائةِ فَارِسٍ، فَأَعْطَى الْفَارِسَ سَهْمَيْنِ، وَأَعْطَى الرَّاجِلَ سَهْمًا».

قال أَبُو دَاوُدَ: حَدِيثُ أَبِي مُعَاوِيَةَ أَصَحُّ وَالْعَمَلُ عَلَيْهِ وَأَرَى الْوَهْمَ في حَدِيثِ مُجَمِّعٍ أَنَّهُ قالَ ثلاثَ مِائَةِ فَارِسٍ وَكَانُوا مِائَتَيْ فَارِسٍ.

[ت156/م144 ، 145] ـ باب في النَّفَل

2737 ـ حدّثنا وَهْبُ بنُ بَقِيَّةَ قالَ: أخبرنا خَالِدُ، عن دَاودَ، عن عِكْرِمَةَ، عن ابنِ عَبَّاسٍ قالَ: قالَ رَسُولُ اللَّهِ ﷺ: «**مَنْ فَعَلَ كَذَا وَكَذَا فَلَهُ مِنَ النَّفْلِ كَذَا وَكَذَا**». قَالَ: فَتَقَدَّمَ الْفِتْيَانُ وَلَزِمَ الْمَشْيَخَةُ الرَّايَاتِ فَلَمْ يَبْرَحُوهَا. فَلَمَّا فَتَحَ اللَّهُ عَلَيْهِمْ قالَتِ الْمَشْيَخَةُ: كُنَّا رِدْءًا لَكُم لَو انْهَزَمْتُمْ لَفِئْتُمْ إِلَيْنَا فَلاَ تَذْهَبُوا بِالْمَغْنَمِ وَنَبْقَى، فَأَبَى الْفِتْيَانُ، وَقَالُوا: جَعَلَهُ رَسُولُ اللَّهِ ﷺ لَنَا، فَأَنْزَلَ اللَّهُ تعالى: ﴿يَسْـَٔلُونَكَ عَنِ ٱلْأَنفَالِ قُلِ ٱلْأَنفَالُ لِلَّهِ وَٱلرَّسُولِ﴾ إِلَى قَوْلِهِ: ﴿كَمَآ أَخْرَجَكَ رَبُّكَ مِنۢ بَيْتِكَ بِٱلْحَقِّ وَإِنَّ فَرِيقًا مِّنَ ٱلْمُؤْمِنِينَ لَكَٰرِهُونَ ⑤﴾ [الأنفال: 1 ـ 5] يَقُولُ: فَكَانَ ذَلِكَ خَيْرًا لَهُمْ، فَكَذَلِكَ أَيْضًا: فَأَطِيعُونِي فَإِنِّي أَعْلَمُ بِعَاقِبَةِ هَذَا مِنْكُم.

2738 ـ حدّثنا زِيَادُ بنُ أَيُّوبَ: حدَّثنا هُشَيْمٌ قالَ: أخبرنا دَاوُدُ بنُ أَبِي هِنْدٍ، عن عِكْرِمَةَ، عن ابنِ عَبَّاسٍ أَنَّ رَسُولَ اللَّهِ ﷺ قالَ يَوْمَ بَدْرٍ: «**مَنْ قَتَلَ**

and peace be upon him" said: "Whoever kills a person (from amongst the pagans) will have such and such (reward), and whoever captures a person (from amongst the pagans) will have such and such (reward)..."and the rest is the same, even though the narration of Khalid is more detailed.

2739- The same is narrated on the authority of Dawud, through a similar chain of transmission, in which he said: The Messenger of Allah "Allah's blessing and peace be upon him" distributed it among them equally. However, the narration of Khalid is more complete.

2740- It is narrated on the authority of Mus'ab Ibn Sa'd from his father that he said: I brought a sword to the Messenger of Allah "Allah's blessing and peace be upon him" on the day of (the holy battle of) Badr and said: "O Messenger of Allah! Allah has quenched my thirst of revenge from the enemy: grant me this sword (in addition to my share of the booty)." He said: "Indeed, this sword is not at my disposal (so that I would give it to you), nor is it for you in particular." I went away while saying: "Today, this (sword) will be given to such as has not fought so much as I've done." While I was sitting a messenger came to me, and asked me to respond to the invitation of the Messenger of Allah "Allah's blessing and peace be upon him". I thought something (of the Qur'an) had been revealed in connection with me on account of my statement. I came to the Messenger of Allah "Allah's blessing and peace be upon him" who said to me: "You've asked me (to give you) this sword and it was not for you nor at my disposal; but Allah Almighty has made it at my disposal, and I grant it to you." Then, he recited: "They ask you concerning the Anfal (spoils of war). Say: "The spoils are at the disposal of Allah and the Messenger: so fear Allah, and keep straight the relations between yourselves, and Obey Allah and His Messenger, if you really have faith."

[157] The Extra Giving To The Military Expedition On Setting Out Of The Camp

2741- It is narrated on the authority of Ibn Umar that he said: The Prophet "Allah's blessing and peace be upon him" sent us in an army towards Najd, and a military expedition out of that army was dispatched, and the share of everyone of the army from the booty amounted to twelve camels, and he gave each of those of the military expedition an additional camel. So their share was thirteen camels each.

2742- It is narrated on the authority of Muslim Ibn Al-Walid: I related this narration to Ibn Al-Mubarak, and I said: The same is also narrated to us

قَتِيلاً فَلَهُ كَذَا وَكَذَا، وَمَنْ أَسَرَ أَسِيرًا فَلَهُ كَذَا وَكَذَا» ثُمَّ سَاقَ نَحْوَهُ وَحَدِيثُ خَالِدٍ أَتَمُّ.

2739 ـ حدّثنا هَارُونُ بنُ مُحَمَّدِ بنِ بَكَّارِ بنِ بِلاَلٍ قال: حدَّثنا يَزِيدُ بنُ خَالِدِ بنِ مَوْهَبٍ الْهَمْدَانِيُّ قال: حدَّثنا يَحْيَى بنُ زَكَرِيَّا بنِ أَبِي زَائِدَةَ قالَ: أَخبرنا دَاوُدُ بِهَذَا الْحَدِيثِ بِإِسْنَادِهِ قالَ: «قَسَّمَهَا رَسُولُ اللَّهِ ﷺ بالسَّوَاءِ» وَحَدِيثُ خَالِدٍ أَتَمُّ.

2740 ـ حدّثنا هَنَّادُ بنُ السَّرِيِّ، عن أَبِي بَكْرٍ، عن عَاصِمٍ، عن مُصْعَبِ بنِ سَعْدٍ، عن أَبِيهِ قالَ: «جِئْتُ إلى النبيِّ ﷺ يَوْمَ بَدْرٍ بِسَيْفٍ فَقُلْتُ: يَا رَسُولَ اللَّهِ إنَّ اللَّهَ قَدْ شَفَى صَدْرِي الْيَوْمَ مِنَ الْعَدُوِّ فَهَبْ لِي هَذَا السَّيْفَ. قالَ: «**إنَّ هَذَا السَّيْفَ لَيْسَ لِي وَلاَ لَكَ**» فَذَهَبْتُ وَأَنَا أَقُولُ: يُعْطَاهُ الْيَوْمَ مَنْ لَم يُبْلِ بَلاَئِي، فَبَيْنَا أَنَا إذْ جَاءَنِي الرَّسُولُ فَقَالَ: أَجِب فَظَنَنْتُ أَنَّهُ نَزَلَ فِيَّ شَيْءٌ بِكَلاَمِي، فَجِئْتُ، فَقَالَ لِي النَّبِيُّ ﷺ: «**إنَّكَ سَأَلْتَنِي هَذَا السَّيْفَ وَلَيْسَ هُوَ لِي وَلاَ لَكَ وَإنَّ اللَّهَ قَدْ جَعَلَهُ لِي فَهُوَ لَكَ**»، ثُمَّ قَرَأَ: ﴿يَسْـَٔلُونَكَ عَنِ ٱلْأَنفَالِۖ قُلِ ٱلْأَنفَالُ لِلَّهِ وَٱلرَّسُولِۖ﴾ إلى آخِرِ الآيَةِ».

قال أَبُو دَاوُدَ: قِرَاءَةُ ابنُ مَسْعُودٍ: يَسْأَلُونَكَ عن النَّفْلِ.

[ت157/م145] ـ باب في نَفَل السرية تَخْرج من العسكر

2741 ـ حدّثنا عَبْدُ الوَهَّابِ بنُ نَجْدَةَ: حدَّثنا الْوَلِيدُ بنُ مُسْلِمٍ. (ح)، وحدَّثنا مُوسَى بنُ عَبْدِ الرَّحْمٰنِ الأَنْطَاكِيُّ قالَ: حدَّثنا مُبَشِّرٌ. (ح)، وحدَّثنا مُحَمَّدُ بنُ عَوفٍ الطَّائِيُّ أَنَّ الْحَكَمَ بنَ نَافِعٍ حَدَّثَهُمْ ـ الْمَعْنَى ـ كُلُّهُمْ عن شُعَيْبِ بنِ أَبِي حَمْزَةَ، عن نَافِعٍ، عن ابنِ عُمَرَ قالَ: «بَعَثَنَا رَسُولُ اللَّهِ ﷺ في جَيْشٍ قِبَلَ نَجْدٍ، وَانْبَعَثَتْ سَرِيَّةٌ مِنَ الْجَيْشِ، فَكَانَ سُهمَانُ الْجَيْشِ اثْنَيْ عَشَرَ بَعِيرًا اثْنَيْ عَشَرَ بَعِيرًا وَنُفِّلَ أَهْلُ السَّرِيَّةِ بَعِيرًا بَعِيرًا فَكَانَتْ سُهْمَانُهُم ثَلاثَةَ عَشَرَ ثَلاَثَةَ عَشَرَ».

2742 ـ حدّثنا الْوَلِيدُ بنُ عُتْبَةَ الدِّمَشْقِيُّ قالَ: قالَ الْوَلِيدُ ـ يَعْنِي ابنَ مُسْلِمٍ ـ: حَدَّثْتُ ابنَ الْمُبَارَكِ بِهَذَا الحديثِ قُلْتُ: وَكَذَا حَدَّثَنَا ابنُ أَبِي فَرْوَةَ عن نَافِعٍ قالَ: لاَ تَعدِلُ مَنْ سَمَّيْتَ بِمَالِكٍ هَكَذَا أَوْ نَحْوَهُ يَعْنِي مَالِكَ بنَ أَنَسٍ.

from Ibn Abu Farwah from Nafi'. He said: Make no equality between those whom you have mentioned and Malik Ibn Anas.

2743- It is narrated on the authority of Ibn Umar that he said: The Messenger of Allah "Allah's blessing and peace be upon him" sent a military expedition towards Najd, and I was enrolled in them. We got a lot of cattle, thereupon our chief gave us a camel each, and when we came to the Messenger of Allah "Allah's blessing and peace be upon him", he distributed our booty among us, with everyone of us having twelve camels after reducing the fifth. However, the Messenger of Allah "Allah's blessing and peace be upon him" did neither account what our chief had given us as one of our share, nor did he criticize him for what he had done. In this way, the share of everyone of us was thirteen camels, including the extra giving beyond our fixed shares.

2744- It is narrated on the authority of Ibn Umar that the Messenger of Allah "Allah's blessing and peace be upon him" sent a military expedition towards Najd, and Abdullah was enrolled in them. They got a lot of camels, and their share was twelve camels each, in addition to an extra camel (given to them by their chief); and the Messenger of Allah "Allah's blessing and peace be upon him" made no change in that.

2745- It is narrated on the authority of Abdullah Ibn Umar that he said: The Messenger of Allah "Allah's blessing and peace be upon him" sent us in a military expedition towards Najd, and our share was twelve camels each, and the Messenger of Allah "Allah's blessing and peace be upon him" gave each of us an extra camel.

Abu Dawud says: A Hadith like this is narrated on the authority of Nafi', and in the narration of Ayyub, no mention is made of the Messenger of Allah "Allah's blessing and peace be upon him": he tells that they were given an extra camel each.

2746- It is narrated on the authority of Salim from Abdullah Ibn Umar that he said: It was the habit of the Messenger of Allah "Allah's blessing and peace be upon him" to give extra giving to some of the military expeditions he used to send, beyond the shares fixed to the public army; and in all of that, taking one-fifth the booty was binding.

2747- It is narrated on the authority of Abdullah Ibn Amr that he said: The Messenger of Allah "Allah's blessing and peace be upon him" set out on the day of (the holy battle of) Badr leading three hundred and fifteen, and said (by way of invocation): "O Allah! They are lacking in means of conveyance; so, provide them with means of conveyance! O Allah! They

2743 ـ حدّثنا هَنَّادٌ: حدَّثنا عَبْدَةُ ـ يَعْني ابنَ سُلَيْمَانَ الْكِلاَبيِّ ـ، عن مُحَمَّدٍ يَعني ابنَ إسْحَاقَ ـ، عن نَافِعٍ، عن ابنِ عُمَرَ قالَ: «بَعَثَ رَسُولُ اللَّهِ ﷺ سَرِيَّةً إلى نَجْدٍ، فَخَرَجْتُ مَعَهَا، فَأَصَبْنَا نَعَمًا كَثِيرًا، فَنَفَّلَنَا أَمِيرُنَا بَعِيرًا بَعِيرًا لِكُلِّ إنْسَانٍ، ثُمَّ قَدِمْنَا عَلَى رَسُولِ اللَّهِ ﷺ فَقَسَّمَ بَيْنَنَا غَنِيمَتَنَا فَأَصَابَ كلُّ رَجُلٍ مِنَّا اثْنَيْ عَشَرَ بَعِيرًا بَعْدَ الْخُمُسِ، وَمَا حَاسَبَنَا رَسُولُ اللَّهِ ﷺ بالَّذِي أَعْطَانَا صَاحِبُنَا، وَلاَ عَابَ عَلَيْهِ بَعْدَ مَا صَنَعَ، فَكَانَ لِكُلِّ رَجُلٍ مِنَّا ثَلاَثَةَ عَشَرَ بَعِيرًا بِنَفْلِهِ».

2744 ـ حدّثنا عَبْدُ اللَّهِ بنُ مَسْلَمَةَ الْقَعْنَبِيُّ، عن مَالِكٍ. (ح)، وحدَّثنا عَبْدُ اللَّهِ بنُ مَسْلَمَةَ وَيَزِيدُ بنُ خَالِدِ بنِ مَوْهَبٍ قَالاَ: حدَّثنا اللَّيْثُ، المَعْنَى، عنْ نَافِعٍ، عنْ عَبْدِ اللَّهِ بنِ عُمَرَ: «أَنَّ رَسُولَ اللَّهِ ﷺ بَعَثَ سَرِيَّةً فيهَا عَبْدُ اللَّهِ بنُ عُمَرَ قِبَلَ نَجْدٍ، فَغَنِمُوا إبِلاً كَثِيرَةً فَكَانَتْ سُهْمَانُهُمُ اثْنَيْ عَشَرَ بَعِيرًا وَنُفِّلُوا بَعِيرًا بَعِيرًا». زَادَ ابنُ مَوْهَبٍ: «فَلَمْ يُغَيِّرْهُ رَسُولَ اللَّهِ ﷺ».

2745 ـ حدّثنا مُسَدَّدٌ: حدَّثنا يَحْيَى، عنْ عُبَيْدِ اللَّهِ: حدَّثني نَافِعٌ، عن عَبْدِ اللَّهِ بنِ عُمَرَ قالَ: «بَعَثَنَا رَسُولُ اللَّهِ ﷺ في سَرِيَّةٍ فَبَلَغَتْ سُهْمَانُنَا اثْنَيْ عَشَرَ بَعِيرًا وَنَفَّلَنَا رَسُولُ اللَّهِ ﷺ بَعِيرًا بَعِيرًا».

قال أَبُو دَاوُدَ: رَوَاهُ بُرْدُ بنُ سِنَانٍ مِثْلَهُ عنْ نَافِعٍ مِثْلَ حَدِيثِ عُبَيْدِ اللَّهِ، وَرَوَاهُ أَيُّوبُ، عنْ نَافِعٍ مِثْلَهُ، إلاَّ أَنَّهُ قالَ: وَنُفِّلْنَا بَعِيرًا بَعِيرًا لَمْ يَذْكُرِ النَّبيَّ ﷺ.

2746 ـ حدّثنا عَبْدُ المَلِكِ بنُ شُعَيْبِ بنِ اللَّيْثِ قَالَ: حدَّثني أَبِي، عن جَدِّي. (ح)، وَحدثنا حَجَّاجُ بنُ أَبِي يَعْقُوبَ قَالَ: حدَّثني حُجَيْنٌ: حدَّثنا اللَّيْثُ، عن عُقَيْلٍ، عن ابنِ شِهَابٍ، عن سَالِمٍ، عن عَبْدِ اللَّهِ بنِ عُمَرَ: «أَنَّ رَسُولَ اللَّهِ ﷺ قَدْ كَانَ يُنَفِّلُ بَعْضَ مَنْ يَبْعَثُ مِنَ السَّرَايَا لأَنْفُسِهِمْ خَاصَّةً النَّفْلَ سِوَى قَسْمِ عَامَّةِ الْجَيْشِ، وَالخُمُسُ وَاجِبٌ في ذَلِكَ كُلِّهِ».

2747 ـ حدّثنا أَحْمَدُ بنُ صَالِحٍ قالَ: حدَّثنا عَبْدُ اللَّهِ بنُ وَهْبٍ: حدَّثنا حُيَيٌّ، عنْ أَبِي عَبْدِ الرَّحْمٰنِ الْحُبُلِيِّ، عن عَبْدِ اللَّهِ بنِ عُمَرَ: «أَنَّ رَسُولَ اللَّهِ ﷺ خَرَجَ يَوْمَ بَدْرٍ في ثَلاثمِائَةٍ وَخَمْسَةَ عَشَرَ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «**اللَّهُمَّ إنَّهُمْ حُفَاةٌ فاحْمِلْهُمْ، اللَّهُمَّ إنَّهُمْ عُرَاةٌ فاكْسُهُمْ، اللَّهُمَّ إنَّهُم جِيَاعٌ فَأَشْبِعْهُمْ**»، فَفَتَحَ اللَّهُ لَهُ يَوْمَ بَدْرٍ فَانْقَلَبُوا حِينَ انْقَلَبُوا وَمَا مِنْهُمْ رَجُلٌ إلاَّ وَقَدْ رَجَعَ بِجَمَلٍ أَوْ

are naked, so, provide them with dresses! O Allah! They are given to hunger, so, provide them with food to satisfy them." Allah helped him emerge victorious on the day of (the holy battle of) Badr, and they returned, and there was no man of them but that he returned with one or two camels; and they were dressed and satisfied.

[158] The Opinion That One-Fifth The Booty Should Be Reduced (From The Booty) Before The Extra Giving

2748- It is narrated on the authority of Habib Ibn Muslim Al-Fihri that he said: The Messenger of Allah "Allah's blessing and peace be upon him" used, after cutting one-fifth the booty, to give the one-third as extra giving.

2749- It is narrated on the authority of Habib Ibn Muslim that the Messenger of Allah "Allah's blessing and peace be upon him" used, after cutting one-fifth the booty, to give the one-fourth or the one-third as extra giving on his return from the holy battle.

2750- It is narrated on the authority of Makhul that he said: I was a slave in Egypt owned by a woman belonging to the tribe of Hudhail, and she manumitted me. When I came out of Egypt, there was no item of science in it but that I kept it to the best of my knowledge. Then, I went to Hijaz, and When I came out of Hijaz, there was no item of science in it but that I kept it to the best of my knowledge. Then, I went to Iraq, and When I came out of Iraq, there was no item of science in it but that I kept it to the best of my knowledge. Then, I went to Sham, and sifted (the knowledge) in it: in all those countries, I asked about the extra giving, and none gave me a satisfactory answer, until I met an old man called Ziyad Ibn Jariyah At-Tamimi, whom I asked: Have you heard anything pertaining to the extra giving? He said: I heard Habib Ibn Muslim Al-Fihri having said: I was present when the Messenger of Allah "Allah's blessing and peace be upon him" gave as extra giving one-fourth the booty in the first portion (of the battle), and one-third on their return.

[159] The Booty Gained By A Military Expedition Should Be Shared By All The Army

2751- It is narrated on the authority of Amr Ibn Shu'aib from his father from his grandfather that the Messenger of Allah "Allah's blessing and peace be upon him" said: "All the Muslims are equal in their blood, and the pledge given even by such as belonging to the lowest status among them should be acted upon by all of them, as well as the right of protection given by the farthest of them to the non-Muslims should be respected by all of them, and they all are to help and back each other against anyone else. The

جَمَلَيْنِ وَاكْتَسَوا وَشَبِعُوا».

[ت158/م146] ـ باب فيمن قال: الخُمُس قبل النَّفل

2748 ـ حدّثنا مُحَمَّدُ بنُ كَثِيرٍ: حدَّثنا سُفْيَانُ، عن يَزِيدَ بنِ يَزِيدَ بنِ جَابِرٍ الشَّامِيِّ، عن مَكْحُولٍ، عنْ زِيَادِ بنِ جَارِيَةَ التَّمِيمِيِّ، عن حَبِيبِ بنِ مَسْلَمَةَ الْفِهْرِيِّ أَنَّهُ قال: «كَانَ رَسُولُ اللَّهِ ﷺ يُنَفِّلُ الثُّلُثَ بَعْدَ الْخُمُسِ».

2749 ـ حدّثنا عُبَيْدُ اللَّهِ بنُ عُمَرَ بنِ مَيْسَرَةَ الْجُشَمِيُّ قال: حدَّثنا عَبْدُ الرَّحْمٰنِ بنُ مَهْدِيٍّ، عن مُعَاوِيَةَ بنِ صَالِحٍ، عن الْعَلَاءِ بنِ الْحَارِثِ، عن مَكْحُولٍ، عن ابنِ جَارِيَةَ، عن حَبِيبِ بنِ مَسْلَمَةَ: «أَنَّ رَسُولَ اللَّهِ ﷺ كَانَ يُنَفِّلُ الرُّبُعَ بَعْدَ الْخُمُسِ وَالثُّلُثَ بَعْدَ الْخُمُسِ إذَا قَفَلَ».

2750 ـ حدّثنا عَبْدُ اللَّهِ بنُ أَحْمَدَ بنِ بَشِيرِ بنِ ذَكْوَانَ وَمَحْمُودُ بنُ خَالِدٍ الدِّمَشْقِيَّانِ، المَعْنَى، قَالاَ: حدَّثنا مَرْوَانُ بنُ مُحَمَّدٍ قال: حدَّثنا يَحْيَى بنُ حَمْزَةَ قالَ: سَمِعْتُ أَبَا وَهْبٍ يَقُولُ: سَمِعْتُ مَكْحُولاً يَقُولُ: «كُنْتُ عَبْدًا بِمِصرَ لامْرَأَةٍ مِنْ بَنِي هُذَيْلٍ فَأَعْتَقَتْنِي فَمَا خَرَجْتُ مِنْ مِصرَ وَبِهَا عِلْمٌ إلاَّ حَوَيْتُ عَلَيْهِ فِيمَا أُرَى، ثُمَّ أَتَيْتُ الحِجَازَ فما خرجتُ مِنْهَا وَبِهَا عِلْمٌ إلاَّ حَوَيْتُ عَلَيْهِ فِيمَا أُرَى، ثم أَتيتُ العراقَ فَمَا خرجت منها وبِها عِلمٌ إلا حَوَيْتُ عليهِ فيما أُرَى، ثُم أَتَيْتُ الشَّامَ فَغَرْبَلْتُهَا، كُلَّ ذَلِكَ أَسْأَلُ عَنِ النَّفْلِ، فَلَمْ أَجِدْ أَحَدًا يُخْبِرُنِي فِيهِ بِشَيْءٍ، حَتَّى لَقِيتُ شَيْخًا يُقَالُ لَهُ: زِيَادُ بنُ جَارِيَةَ التَّمِيمِيُّ، فَقُلْتُ لَهُ: هَلْ سَمِعْتَ في النَّفْلِ شَيْئًا؟ قال: نَعَمْ، سَمِعْتُ حَبِيبَ بنَ مَسْلَمَةَ الْفِهْرِيَّ يَقُول: شَهِدْتُ النَّبيَّ ﷺ نَفَّلَ الرُّبُعَ فِي الْبَدْأَةِ وَالثُّلُثَ في الرَّجْعَةِ».

[ت159/م147] ـ باب في السرية تَرُدُّ على أهل العسكر

2751 ـ حدّثنا قُتَيْبَةُ بنُ سَعِيدٍ: حدَّثنا ابنُ أَبي عَدِيٍّ، عن ابنِ إسْحَاقَ هُوَ مُحَمَّدٌ بِبَعْضِ هَذَا. (ح)، وحدَّثنا عُبَيْدُ اللَّهِ بنُ عُمَرَ بنِ مَيْسَرَةَ قال: حدَّثني هُشَيْمٌ، عن يَحْيَى بنِ سَعِيدٍ جَمِيعًا، عن عَمْرِو بنِ شُعَيْبٍ، عن أَبِيهِ، عن جَدِّهِ قال: قال رَسُولُ اللَّهِ ﷺ: **«الْمُسْلِمُونَ تَتَكَافَأُ دِمَاؤُهُمْ يَسْعَى بِذِمَّتِهِمْ أَدْنَاهُمْ وَيُجِيرُ عَلَيْهِمْ أَقْصَاهُمْ، وَهُمْ يَدٌ عَلَى مَنْ سِوَاهُمْ يَرُدُّ مُشِدُّهُمْ عَلَى مُضْعِفِهِمْ، وَمُتَسَرِّيهِمْ**

strongest among them should make the weakest among them share the booty with them; and such of them as sets out in the military expedition should make such as remains (in the bastion) share the booty with him. Let no believing man be killed in retaliation for a non-believer, nor such as living in accordance with a pledge be killed as long as he sticks to (the stipulations of) that pledge."

2752- It is narrated on the authority of Iyas Ibn Salamah from his father Salamah Ibn Al-Akwa' that he said: Abd Ar-Rahman Ibn Uyainah raided and drove away all the camels of The Messenger of Allah "Allah's blessing and peace be upon him", and killed their shepherd. I set out in their pursuit in the company of some horsemen, and I stood (upon a hillock) facing Medina, and cried out thrice: "Come to help!" I set out in pursuit of the raiders, and continued shooting at them and hamstringing their animals. Whenever a horseman turned upon me, I would come to a tree and hide myself sitting at its base, (and then I would shoot at him and hamstring his horse, and so on) until I released all the camels of The Messenger of Allah "Allah's blessing and peace be upon him" and no camel was left with them, and (I followed them shooting at them) until they dropped more than thirty garments and thirty lances, in order to lighten their burden. They remained as such until Ibn Uyainah joined them as reinforcement. He said: "Let a patch of you stand up towards him." Four of them ascended the mountain and advanced towards me. When I was able to talk to them, I said: "Do you recognize me?" They said: "No. Who are you?" I said: "I am Salamah Ibn Al-Akwa'. By the One Who has honoured the face of Muhammad "Allah's blessing and peace be upon him" I can kill whomever I like of you but none of you will be able to kill me." I did not move from my place until I saw the horsemen of The Messenger of Allah "Allah's blessing and peace be upon him" who came riding through the trees. behold! the first of them was Al-Akhram Al-Asadi. Al-Akhram ran towards Abd Ar-Rahman who turned to him. Both fought each other and exchanged two strikes, Al-Akhram hamstrung Abd Ar-Rahman's horse and the latter struck him to death. Abd Ar-Rahman turned and rode Al-Akhram's horse. Abu Qatadah overtook Abd Ar-Rahman and both exchanged two strikes, one of which hamstrung Abu Qatadah's horse, thereupon Abu Qatadah struck him to death; and Abu Qatadah turned and rode the horse of Al-Akhram. Then, I came to the Messenger of Allah "Allah's blessing and peace be upon him" at the spring of water from which I had driven them (the pagans) away, which was called Dhu-Qarad, as far as (a distance covered in) a day from Medina, and behold! The Messenger of Allah "Allah's blessing and peace be upon him" was there in five hundred fighters. The Messenger of Allah "Allah's

عَلَى قَاعِدِهِمْ لاَ يُقْتَلُ مُؤْمِنٌ بِكَافِرٍ وَلاَ ذُو عَهْدٍ فِي عَهْدِهِ».

وَلَمْ يَذْكُرِ ابنُ إِسْحَاقَ الْقَوَدَ وَالتَّكَافُؤَ.

2752 ـ حدّثنا هَارونُ بنُ عَبْدِ اللَّهِ: حدَّثنا هَاشِمُ بنُ الْقَاسِمِ: حدَّثنا عِكْرِمَةُ: حَدَّثني إِيَاسُ بنُ سَلَمَةَ، عن أَبِيهِ قال: «أَغَارَ عَبْدُ الرَّحْمٰنِ بنُ عُيَيْنَةَ عَلَى إِبلِ رَسُولِ اللَّهِ ﷺ فَقتَلَ رَاعِيها وَخَرَجَ يَطْرُدُهَا هُوَ وَأُنَاسٌ مَعَهُ فِي خَيْلٍ، فَجَعَلْتُ وَجْهِي قِبَلَ المَدِينَةِ ثُمَّ نَادَيْتُ ثَلاَثَ مَرَّاتٍ: يَا صَبَاحَاهُ، ثُمَّ اتَّبَعْتُ الْقَوْمَ فَجعَلْتُ أَرْمِي وَأَعْقِرُهُمْ، فَإِذَا رَجَعَ إِلَيَّ فَارِسٌ جَلَسْتُ فِي أَصْلِ شَجَرَةٍ حَتَّى مَا خَلَقَ اللَّهِ شَيْئًا مِنْ ظَهْرِ النَّبيِّ ﷺ إِلاَّ جَعَلْتُهُ وَرَاءَ ظَهْرِي وَحَتَّى أَلْقُوا أَكْثَرَ مِنْ ثَلاَثِينَ رُمْحًا وَثَلاَثِينَ بُرْدَةً يَسْتَخِفُّونَ مِنْهَا، ثُمَّ أَتَاهُمْ عُيَيْنَةُ مَدَدًا، فقَالَ: لِيَقمْ إِلَيْهِ نَفَرٌ مِنْكُمْ، فَقَامَ إِلَيَّ أَرْبَعَةٌ مِنْهُمْ فَصَعَدُوا الْجَبَلَ، فَلَمَّا أَسْمَعْتُهُمْ قُلْتُ: أَتَعْرِفُونِي؟ قالُوا: وَمَنْ أَنتَ؟ قُلْتُ: أَنَا ابْنُ الأَكْوَعِ، وَالَّذِي كَرَّمَ وَجْهَ مُحَمَّدٍ ﷺ لاَ يَطْلُبُنِي رَجُلٌ مِنْكُم فَيُدْرِكُنِي وَلاَ أَطْلُبُهُ فَيَفُوتُنِي فَمَا بَرِحْتُ حَتَّى نَظَرْتُ إِلى فَوَارِسِ رَسُولِ اللَّهِ ﷺ يَتخَلَّلُونَ الشَّجَرَ أَوَّلُهُمُ الأَخْرَمُ الأَسَدِيُّ، فَيَلْحَقُ بِعَبْدِ الرَّحْمٰنِ بنِ عُيَيْنَةَ وَيعطِفُ عَلَيْهِ عَبْدُ الرَّحْمٰنِ فَاخْتَلَفَا طَعْنَتَيْنِ، فَعَقَرَ الأَخْرَمُ عَبْدَ الرَّحْمٰنِ، وَطَعَنَهُ عَبْدُ الرَّحْمٰنِ فَقتَلَهُ، فَتَحَوَّلَ عَبْدُ الرَّحْمٰنِ عَلَى فَرَسِ الأَخْرَمِ فَيَلْحَقُ أَبُو قَتَادَةَ بِعَبْدِ الرَّحْمٰنِ فَاخْتَلَفَا طَعْنَتَيْنِ فَعقَرَ بِأَبِي قَتَادَةَ. وَقَتَلَهُ أَبُو قَتَادَةَ فَتَحوَّلَ أَبُو قَتَادَةَ عَلَى فَرَسِ الأَخْرَمِ ثُمَّ جِئْتُ إِلى رَسُولِ اللَّهِ ﷺ وَهُوَ عَلَى المَاءِ الَّذِي جَلَّيْتُهُمْ عَنْهُ ذُو قَرَدٍ فإِذَا نَبيُّ اللَّهِ فِي

blessing and peace be upon him" gave me two shares of the booty: the share of a horseman and the share of a footman. He combined both of them for me.

[160] Giving Extra Giving From Gold And Silver

2753- It is narrated on the authority of Abu Al-Juwairiyah Al-Jirmi that he said: I got a jar containing many Dinars (of gold) in the Roman land during the caliphate of Mu'awiyah, and our leader at that time was one of the companions of the Messenger of Allah "Allah's blessing and peace be upon him", belonging to Banu Sulaim, called Ma'n Ibn Yazid. When I brought it to him he distributed it among the Muslims, and gave me the like of what he had given anyone of them and said: "Had it not been for the fact that I heard the Messenger of Allah "Allah's blessing and peace be upon him" having said: "No extra giving should be given from the booty before cutting the one-fifth of it", I would have given you extra giving." He went on offering to me to take from his share but I refused.

2754- The same is narrated on the authority of Asim Ibn Kulaib through the same chain of transmitters.

[161] When The Leader Favours Himself With Something From The Booty

2755- It is narrated on the authority of Amr Ibn Anbasah that he said: The Messenger of Allah "Allah's blessing and peace be upon him" led us in the prayer towards a camel of those of the war booty, and when he concluded with the end salutation he took some hair from the side of the camel and said: "Nothing of your war booty (even as trivial) as this (piece of hair) is lawful for me to take other than the fifth, and even the fifth is always brought back to you (in the form of gifts and aids)."

[162] The Fulfillment Of Treaties

2756- It is narrated on the authority of Ibn Umar that the Messenger of Allah "Allah's blessing and peace be upon him" said: "A flag will be set up for the betrayer on the Day of Judgement, and it will be said: "This is the (flag which indicates to the) treachery of so and so, son of so and so.""

[163] Taking The Leader As Protective Shield In The Pledges

2757- It is narrated on the authority of Abu Hurairah that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "Indeed, the leader acts as a shield, with the help of which the people fight."

خَمْسِمائَةٍ، فَأَعْطَانِي سَهْمَ الْفَارِسِ وَالرَّاجِلِ»

[ت160/م148] ـ باب في النَّفَل من الذهب والفضة ومن أول مَغْنَم

2753 ـ حدّثنا أَبُو صَالِحٍ مَحْبُوبُ بنُ مُوسَى قال: أخبرنا أَبُو إِسْحَاقَ الْفَزَارِيُّ، عنْ عَاصِمِ بنِ كُلَيْبٍ، عن أَبي الْجُوَيْرِيَةِ الْجِرْمِيِّ قالَ: «أَصَبْتُ بِأَرْضِ الرُّومِ جَرَّةً حَمْرَاءَ فيهَا دَنَانِيرُ في إِمْرَةِ مُعَاوِيَةَ وَعَلَيْنَا رَجُلٌ مِنْ أَصْحابِ النَّبيِّ ﷺ مِنْ بَنِي سُلَيْم يُقَالُ لَهُ مَعْنُ بنُ يَزِيدَ، فَأَتَيْتُهُ بِهَا فَقَسَمَهَا بَيْنَ الْمُسْلِمِينَ وَأَعْطَانِي مِنْهَا مِثْلَ ما أَعْطَى رَجُلاً مِنْهُمْ ثُمَّ قَالَ: لَوْلاَ أَنِّي سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «**لاَ نَفْلَ إلاَّ بَعْدَ الخُمُسِ**» لأَعْطَيْتُكَ ثُمَّ أَخَذَ يَعْرِضُ عَلَيَّ مِنْ نَصِيبِهِ فَأَبَيْتُ».

2754 ـ حدّثنا هَنَّادٌ، عن ابنِ المُبَارَكِ، عنْ أَبِي عُوَانَةَ، عن عَاصِمِ بنِ كُلَيْبٍ بإِسْنَادِهِ وَمَعْنَاهُ.

[ت161/م149] ـ باب في الإمام يستأثر بشيء من الفيء لنفسه

2755 ـ حدّثنا الْوَلِيدُ بنُ عُتْبَةَ قال: حدَّثنا الوَلِيدُ: حدَّثنا عَبْدُ اللَّهِ بنُ الْعَلاَءِ أَنَّهُ سَمِعَ أَبا سَلاَّمٍ الأَسْوَدَ قالَ: سَمِعْتُ عَمْرُو بنَ عَبَسَةَ قالَ: صَلَّى بِنَا رَسُولُ اللَّهِ ﷺ إِلَى بَعيرٍ مِنَ المَغْنَمِ فَلَمَّا سَلَّمَ أَخَذَ وَبَرَةً مِنْ جَنْبِ البَعِيرِ، ثُمَّ قالَ: «**لاَ يَحِلُّ لِي مِنْ غَنَائِمِكُم مِثْلُ هَذَا إلاَّ الْخُمُسَ، وَالْخُمُسُ مَرْدُودٌ فِيكُم**».

[ت162/م150] ـ باب في الوفاء بالعهد

2756 ـ حدّثنا عَبْدُ اللَّهِ بنُ مَسْلَمَةَ الْقَعْنَبِيُّ، عن مَالِكٍ، عن عَبْدِ اللَّهِ بنِ دِينَارٍ، عن ابنِ عُمَرَ أَنَّ رَسُولَ اللَّهِ ﷺ قال: «**إنَّ الْغَادِرَ يُنْصَبُ لَهُ لِوَاءٌ يَوْمَ الْقِيَامَةِ فَيُقَالُ هَذِهِ غَدْرَةُ فُلاَنِ بنِ فُلاَنٍ**».

[ت163/م151] ـ باب في الإمام يُسْتجنُّ به في العهود

2757 ـ حدّثنا مُحَمَّدُ بنُ الصَّبَّاحِ الْبَزَّازُ، قال: حدَّثنا عَبْدُ الرَّحْمٰنِ بنُ أَبِي الزِّنَادِ، عن أَبِي الزِّنَادِ، عن الأَعْرَجِ، عن أَبي هُرَيْرَةَ قالَ: قال رَسُولُ اللَّهِ ﷺ: «**إِنَّمَا الإِمَامُ جُنَّةٌ يُقَاتَلُ بِهِ**».

2758- It is narrated on the authority of Abu Rafi' that he said: the Quraish (people) sent me as envoy to the Messenger of Allah "Allah's blessing and peace be upon him", and when I saw the Messenger of Allah "Allah's blessing and peace be upon him", (the faith in) Islam was placed in my heart, thereupon I said to him: "O Messenger of Allah! By Allah, I will never return to them." The Messenger of Allah "Allah's blessing and peace be upon him" said: "I'm not to repeal a covenant, nor to withhold the mail carriers. But return to them now, and if you should find in your heart what you are having now, come back (to me) once again." I went and later I came back to the Messenger of Allah "Allah's blessing and peace be upon him" and embraced Islam. Bukair said: Abu Rafi' was Christian (before he embraced Islam).

[164] When There Is A Peace Treaty Between The Leader And The Enemy Who Violates It

2759- It is narrated on the authority of Sulaim Ibn Amir, a man belonging to Himyar that he said: There was a peace treaty between Mu'awiyah and the Romans, and Mu'awiyah proceeded on towards their territories until when the term of the treaty came to an end he started attacking them. A man came riding a horse or a riding mount saying: "Allah is Greater! Allah is Greater! Let it be fulfillment (of treaties) and not treachery (and repealing of treaties)!" they looked and behold! He was Amr Ibn Abasah. Mu'awiyah sent to him and asked him about that, thereupon he said: I heard the Messenger of Allah "Allah's blessing and peace be upon him" having said: "He, between whom and a people there is a peace treaty, let him neither tie nor undo a knot until its term comes to an end, or he throws back (their treaty) to them, (so as to be) on equal terms." Consequently, Mu'awiyah retracted.

[165] It Is Obligatory For One To Fulfill The Rights Of Such As Has Treaty With Muslims

2760- It is narrated on the authority of Abu Bakrah that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "He, who illegally kills such as has a covenant with Muslims, the Garden will be forbidden by Allah to him."

[166] What About The Envoys And Emissaries?

2761- It is narrated on the authority of Muhammad Ibn Ishaq that Musailamah sent a letter to the Messenger of Allah "Allah's blessing and peace be upon him"...and Na'im Ibn Mas'ud Al-Ashja'i told: I heard the Messenger of Allah "Allah's blessing and peace be upon him" having asked

2758 ـ حدّثنا أَحْمَدُ بنُ صَالِحٍ: حدَّثنا عَبْدُ اللَّهِ بنُ وَهْبٍ: أَخبرَني عَمْرٌو، عن بُكَيْرِ بنِ الأَشَجِّ، عن الْحَسَنِ بنِ عَلِيِّ بن أَبِي رَافِعٍ أَنَّ أَبَا رَافِعٍ أَخْبَرَهُ، قال: بَعَثَتْنِي قُرَيْشٌ إلى رَسُولِ اللَّهِ ﷺ فَلمَّا رَأَيْتُ رَسُولَ اللَّهِ ﷺ أُلْقِيَ في قَلْبِيَ الإسلامُ، فَقُلْتُ: يَا رَسُولَ اللَّهِ لا أَرْجِعُ إلَيْهِمْ أَبَدًا، فقال رَسُولُ اللَّهِ ﷺ: **«إنِّي لا أَخِيسُ بالْعَهْدِ وَلا أَحْبِسُ الْبُرُدَ وَلكن ارْجِعْ فإنْ كانَ في نَفْسِكَ الَّذِي في نَفْسِكَ الآنَ فارْجِعْ»**. قالَ: فَذَهَبْتُ ثُمَّ أَتَيْتُ النَّبيَّ ﷺ فأَسْلَمْتُ قال بُكَيْرٌ: وأخبرني أَنَّ أَبَا رَافِعٍ كانَ قِبْطِيًّا.

قال أَبُو دَاوُدَ: هَذَا كانَ فِي ذَلِكَ الزَّمَانِ، فأَمَّا الْيَوْمَ لا يَصْلُحُ.

[ت164/م152] ـ باب في الإمام يكون بينه وبين العدو عهد فيسيرُ عدوه ليقرب نحو منهم فيغير بعد المدة عليهم

2759 ـ حدّثنا حَفْصُ بنُ عُمَرَ النَّمَرِيُّ: حدَّثنا شُعْبَةُ، عن أَبِي الْفَيْضِ عن سُلَيْم بنِ عَامِرٍ ـ رَجُلٍ مِنْ حِمْيَرَ ـ قال: «كَانَ بَيْنَ مُعَاوِيَةَ وَبَيْنَ الرُّوم عَهْدٌ وكانَ يَسِيرُ نَحْوَ بِلاَدِهِمْ، حتَّى إذَا انْقَضَى الْعَهْدُ غَزَاهُمْ، فَجَاءَ رَجُلٌ عَلَى فَرَسٍ أَو بِرْذَوْنٍ وَهُوَ يَقُولُ: اللَّهِ أَكْبَرُ، اللَّهِ أَكْبَرُ وَفَاءٌ لا غَدْرٌ فَنَظَرُوا فإذَا عَمْرُو بنُ عَبَسَةَ، فأَرْسَلَ إلَيْهِ مُعَاوِيَةُ فَسأَلَهُ فقال: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: **«مَنْ كَانَ بَيْنَهُ وَبَيْنَ قَوْم عَهْدٌ فَلاَ يَشُدَّ عُقْدَةً وَلا يَحُلَّهَا حتَّى يَنْقَضِيَ أَمَدُهَا، أَوْ يَنْبِذَ إلَيْهِمْ عَلَى سَوَاءٍ»**، فَرَجَعَ مُعَاوِيَةُ».

[ت165/م153] ـ باب في الوفاء للمعاهد وحرمة ذمته

2760 ـ حدّثنا عُثْمَانُ بنُ أَبِي شَيْبَةَ: حدَّثنا وَكِيعٌ، عن عُيَيْنَةَ بنِ عَبْدِ الرَّحْمٰنِ، عن أَبِيهِ، عن أَبِي بَكْرَةَ قال: قال رَسُولُ اللَّهِ ﷺ: **«مَنْ قَتَلَ مُعَاهَدًا في غَيْرِ كُنْهِهِ حَرَّمَ اللَّهُ عَلَيْهِ الْجَنَّةَ»**.

[ت166/م154] ـ باب في الرُّسُل

2761 ـ حدّثنا مُحَمَّدُ بنُ عَمْرٍو الرَّازِيُّ: حدَّثنا سَلَمَةُ ـ يَعني ابنَ الْفَضْلِ ـ، عن مُحَمَّدِ بنِ إسْحَاقَ قال: كَانَ مُسَيْلِمَةُ كَتَبَ إلى رَسُولِ اللَّهِ ﷺ، قال: وَقَدْ حدَّثني مُحَمَّدُ بنُ إسْحَاقَ، عن شَيْخٍ مِنْ أَشْجَعَ يُقَالُ لَهُ سَعْدُ بنُ طَارِقٍ، عن سَلَمَةَ بنِ نُعَيْمِ بنِ مَسْعُودٍ الأَشْجَعِيِّ، عن أَبِيهِ نُعَيْمٍ قال: سَمِعْتُ رَسُولَ

the two envoys sent by Musailamah when he read his letter: “As to you, what do you say (i.e. in which thing do you have faith)?” they said: “We say (and has faith in) what he says.” On that the Messenger of Allah “Allah’s blessing and peace be upon him” said: “By Allah! Had it not been for the fact that the envoys should not be killed, surely I would have chopped off your heads.”

2762- It is narrated on the authority of Harithah Ibn Mudarrib that he came to Abdullah and said: “There is no feeling of resentment between me and anyone of the Arabs; and I came upon a mosque belonging to Banu Hanifah, and behold! They had faith in (the Prophethood of) Musailamah.” Abdullah sent to them and when they were brought he asked them to turn to Allah in repentance, and they accepted barring Ibn An-Nawwahah, to whom he said: I heard the Messenger of Allah “Allah’s blessing and peace be upon him” having said: "Had it not been for the fact that the envoys should not be killed, surely I would have chopped off your head.” But now you are not an envoy. He ordered Qarzah Ibn Ka’b to kill him; and he chopped off his head in the market and said: Who does like to see Ibn An-Nawwahah killed in the market?

[167] The (Right Of) Safety Given By The Woman

2763- It is narrated on the authority of Ibn Abbas that Umm Hani’ Bint Abu Talib gave shelter to one of the pagans on the day of the conquest (of Mecca), and she came to the Messenger of Allah “Allah’s blessing and peace be upon him” and made a mention of that to him, thereupon he said to her: “We give shelter to such as you give shelter and give (the right of) safety to such as you give (the right of) safety O Umm Hani’.”

2764- It is narrated on the authority of A’ishah that she said: It happened that a woman gave shelter among the believers (to whomever she wanted), and this (shelter which she gave) was respected (by all the Muslims).

[168] Making Peace Treaty With The Enemy

2765- It is narrated on the authority of Al-Miswar Ibn Makhramah that he said: Allah's Apostle "Allah's blessing and peace be upon him" set out at the time of Al-Hudaibiyah (treaty), and when they reached Dhul-Hulaifah, they garlanded the sacrificial animals and branded them, and assumed Ihram for Umrah...The Prophet "Allah's blessing and peace be upon him" went on advancing till he reached a mountainous way through which one would go to them. The she-camel of The Prophet "Allah's blessing and peace be upon him" sat down. The people tried their best to cause the she-camel to get up but in vain, so they said: "Al-Qaswa’ (The she-camel's

اللَّهِ ﷺ يَقُولُ لَهُمَا حِينَ قَرَأَ كِتَابَ مُسَيْلِمَةَ: «**مَا تَقُولاَنِ أَنْتُمَا**»، قالاَ: نَقُولُ كَمَا قالَ، قال: «**أَمَا وَاللَّهِ لَوْلاَ أَنَّ الرُّسُلَ لاَ تُقْتَلُ لَضَرَبْتُ أَعْنَاقَكُما**».

2762 ـ حدّثنا مُحَمَّدُ بنُ كَثِيرٍ: أَخبرنا سُفْيَانُ، عن أَبي إِسْحَاقَ، عن حَارِثَةَ بنِ مُضَرِّبٍ أَنَّهُ أَتَى عَبْدَ اللَّهِ فقال: «مَا بَيْنِي وَبينَ أَحَدٍ مِنَ الْعَرَبِ حِنَةٌ وَإِنِّي مَرَرْتُ بِمَسْجِدٍ لِبَنِي حَنِيفَةَ فإِذَا هُمْ يُؤْمِنُونَ بِمُسَيْلِمَةَ، فأَرْسَلَ إِلَيْهِمْ عَبْدُ اللَّهِ، فَجِيءَ بِهِمْ فاسْتَتَابَهُمْ غيرَ ابنِ النَّوَّاحَةِ قالَ لَهُ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «**لَوْلاَ أَنَّكَ رَسُولٌ لَضَرَبْتُ عُنُقَكَ**» فأَنْتَ الْيَوْمَ لَسْتَ بِرَسُولٍ، فأَمَرَ قَرَظَةَ بنَ كَعْبٍ، فَضَرَبَ عُنُقَهُ في السُّوقِ، ثُمَّ قال: مَنْ أَرادَ أَنْ يَنْظُرَ إلى ابنِ النَّوَّاحَةِ قَتِيلاً بالسُّوقِ».

[ت167/م155] ـ باب في أمان المرأة

2763 ـ حدّثنا أَحْمَدُ بنُ صَالِحٍ: حدَّثنا ابنُ وَهْبٍ: أَخبرني عِيَاضُ بنُ عَبْدِ اللَّهِ، عن مَخْرَمَةَ بنِ سُلَيْمَانَ، عن كُرَيْبٍ، عن ابنِ عَبَّاسٍ قال: حدَّثَتْنِي أُمُّ هَانِىءٍ بِنْتُ أَبي طَالِبٍ: أَنَّهَا أجارَتْ رَجُلاً مِنَ الْمُشْرِكِينَ يَوْمَ الْفَتْحِ فَأَتَتِ النَّبيَّ ﷺ فَذَكَرَتْ ذَلِكَ لَهُ، قال فقالَ: «**قَدْ أَجَرْنَا مَنْ أَجَرْتِ وَأَمَّنَّا مَنْ أَمَّنْتِ**».

2764 ـ حدّثنا عُثْمَانُ بنُ أَبي شَيْبَةَ قال: حدَّثنا سُفْيَانُ بنُ عُيَيْنَةَ، عن مَنْصُورٍ، عن إِبْرَاهِيمَ، عن الأَسْوَدِ، عن عَائِشَةَ قالَتْ: «إِنْ كَانَت الْمَرْأَةُ لَتُجِيرُ عَلَى الْمُؤْمِنِينَ فَيَجُوزُ».

[ت168/م156] ـ باب في صلح العدو

2765 ـ حدّثنا مُحَمَّدُ بنُ عُبَيْدٍ أَنَّ مُحَمَّدَ بنَ ثَوْرٍ حَدَّثَهُمْ، عن مَعْمَرٍ، عن الزُّهْرِيِّ، عن عُرْوَةَ بنِ الزُّبَيْرِ، عن الْمِسْوَرِ بنِ مَخْرَمَةَ قال: «خَرَجَ رَسُولُ اللَّهِ ﷺ زَمَنَ الْحُدَيْبِيَةِ في بِضْعِ عَشْرَةَ مِائَةٍ مِنْ أَصْحَابِهِ حَتَّى إِذَا كَانُوا بِذِي الْحُلَيْفَةِ قَلَّدَ الْهَدْيَ وَأَشْعَرَهُ، وَأَحْرَمَ بالعُمْرَةِ». وَسَاقَ الْحَدِيثَ، قال: وَسَارَ النَّبيُّ ﷺ حَتَّى إِذَا كَانَ بالثَّنِيَّةِ الَّتي يُهْبَطُ عَلَيْهِمْ مِنْهَا بَرَكَتْ بِهِ رَاحِلَتُهُ، فقالَ النَّاسُ: حَلْ حَلْ خَلأَتِ الْقَصْوَاءُ مَرَّتَيْنِ، فَقالَ النَّبيُّ ﷺ: «**مَا خَلأَتْ وَمَا ذَلِكَ**

name) has become stubborn! Al-Qaswa' has become stubborn!" The Prophet "Allah's blessing and peace be upon him" said: "Al-Qaswa' has not become stubborn, for stubbornness is not her habit, but she was stopped by Him, Who stopped the elephant." Then he said: "By the Name of Him, in Whose Hands my soul is, if they (Quraish infidels) ask me anything which will respect the ordinances of Allah, I will grant it to them." The Prophet "Allah's blessing and peace be upon him" then rebuked the she-camel and she got up. The Prophet "Allah's blessing and peace be upon him" changed his way till he dismounted at the farthest end of Al-Hudaibiyah at a pit (Well) containing a little water which the people used in small amounts. While they were still in that state, Budail Ibn Warqa' Al-Khuza'i came to the Messenger of Allah "Allah's blessing and peace be upon him" (and those of Khuza'ah were the advisers of Allah's Apostle. They used to keep no secret from him and they were from the people of Tihamah). Then, Urwah Ibn Mas'ud came and kept on talking to The Prophet "Allah's blessing and peace be upon him" and grabbing The Prophet's beard as he was talking while Al-Mughirah Ibn Shu'bah was standing near the head of The Prophet, holding a sword and wearing a helmet. Whenever Urwah stretched his hand towards the beard of The Prophet, Al-Mughirah would hit his hand with the handle of the sword and say (to Urwah): "Remove your hand from the beard of Allah's Apostle." Urwah raised his head and asked: "Who is that?" The people said: "He is Al-Mughirah Ibn Shu'bah." Urwah said: "O treacherous! Am I not doing my best to prevent the evil consequences of your treachery?" Before he embraced Islam, Al-Mughirah was in the company of some people during the pre-Islamic period of ignorance. He killed them and took their property and later he came (to Medina) to embrace Islam. The Prophet "Allah's blessing and peace be upon him" said (to him): "As regards your Islam, I accept it, but as for the property, it is a property gained through treachery, and we are not in need of it."...Then the Messenger of Allah "Allah's blessing and peace be upon him" dictated: "This is the peace treaty which Mohammad, Allah's Apostle has concluded with Suhail Ibn Amr..." Then Suhail said: "We also stipulate that you should return to us whoever comes to you from us, even if he embraced your religion." When the Messenger of Allah "Allah's blessing and peace be upon him" finished from writing the treaty, he said to his companions: "Get up and slaughter your sacrifices, and get your heads shaved!" Then some believing women came (to The Prophet "Allah's blessing and peace be upon him"); and Allah revealed the following Divine Verse: "O you who believe! When there come to you believing women refugees, examine (and test) them: Allah knows best as to their Faith: if you ascertain that they are Believers, then send them not back to the

لَهَا بِخُلُقٍ وَلٰكِنْ حَبَسَهَا حَابِسُ الْفِيلِ» ثُمَّ قال: «**وَالَّذِي نَفْسِي بِيَدِهِ لاَ يَسْأَلُونِي الْيَوْمَ خُطَّةً يُعَظِّمُونَ بِهَا حُرُمَاتِ اللَّهِ إلاَّ أَعْطَيْتُهُمْ إِيَّاهَا**»، ثُمَّ زَجَرَهَا فَوَثَبَتْ فَعَدَلَ عَنْهُمْ حتى نَزَلَ بِأَقْصَى الْحدَيْبِيَةِ عَلَى ثَمَدٍ قَلِيلِ المَاءِ فَجَاءَهُ بُدَيلُ بنُ وَرْقَاءَ الْخُزَاعِيُّ، ثُمَّ أَتَاهُ ـ يَعْنِي عُرْوَةَ بنَ مَسْعُودٍ ـ فَجَعَلَ يُكَلِّمُ النَّبيَّ ﷺ فَكُلَّمَا كَلَّمَهُ أَخَذَ بِلِحْيَتِهِ وَالمُغِيرَةُ بنُ شُعْبَةَ قائمٌ عَلَى النَّبيِّ ﷺ وَمَعَهُ السَّيْفُ وَعَلَيْهِ المِغْفَرُ، فَضَرَبَ يَدَهُ بِنَعْلِ السَّيْفِ، وَقَالَ: أَخِّرْ يَدَكَ عنْ لِحْيَتِهِ فَرَفَعَ عُرْوَةُ رَأْسَهُ فَقَالَ: مَنْ هَذَا؟ قالُوا: المُغِيرَةُ بنُ شُعْبَةَ، قالَ: أَيْ غُدَرُ أَوَلَسْتُ أَسْعَى في غَدْرَتِكَ؟ وكانَ المُغِيرَةُ صَحِبَ قَوْمًا في الْجَاهِلِيَّةِ فَقَتَلَهُمْ وأَخَذَ أَمْوَالَهُمْ ثُمَّ جَاءَ فَأَسْلَمَ، فقالَ النَّبيُّ ﷺ: «**أَمَّا الإِسْلاَمُ فَقَدْ قَبِلْنَا وَأَمَّا المَالُ فَإِنَّهُ مَالُ غَدْرٍ لاَ حَاجَةَ لَنَا فِيهِ**». فَذَكَرَ الْحَدِيثَ.

فقالَ النَّبيُّ ﷺ: «**اُكْتُبْ هَذَا مَا قَاضَى عَلَيْهِ مُحَمَّدٌ رَسُولُ اللَّهِ**» وَقَصَّ الْخَبَرَ، فقالَ سُهَيْلٌ: وَعَلَى أَنَّهُ لا يَأْتِيكَ مِنَّا رَجُلٌ وَإِنْ كَانَ عَلَى دِينِكَ إلاَّ رَدَدْتَهُ إِلَيْنَا، فَلَمَّا

Unbelievers. They are not lawful (wives) for the Unbelievers, nor are the (Unbelievers) lawful (husbands) for them. But pay the Unbelievers what they have spent (on their dower). And there will be no blame on you if you marry them on payment of their dower to them. But hold not to the guardianship of Unbelieving women." (Al-Mumtahinah 10)In this way, Allah Almighty forbade the Muslims to return them (the emigrating believing women) back (to the pagans), even though He ordered that their dower (paid by their husband amongst the infidels) should be given back to them. When The Prophet "Allah's blessing and peace be upon him" returned to Medina, Abu Basir (a new Muslim convert) from Quraish came to him. The Infidels sent to The Prophet "Allah's blessing and peace be upon him" to return him back, and the Prophet "Allah's blessing and peace be upon him" handed him over to two men. They took him out (of the City) till they reached Dhul-Hulaifah where they dismounted to eat some dates they had with them. Abu Basir said to one of them: "By Allah, O so-and-so, I see you have a fine sword." The other drew it out (of the scabbard) and said: "By Allah, it is very fine and I have tried it many times." Abu Basir said: "Let me have a look at it." When the other gave it to him, he hit him with it till he died, and his companion ran away till he came to Medina and entered the Mosque running. When Allah's Apostle "Allah's blessing and peace be upon him" saw him he said: "This man appears to have been frightened." When he reached The Prophet "Allah's blessing and peace be upon him" he said: "My companion has been murdered and I would have been murdered too." Abu Basir came and said: "O Allah's Apostle, by Allah, Allah has made you fulfill your obligations by your returning me to them (The Infidels), but Allah has saved me from them." The Prophet "Allah's blessing and peace be upon him" said: "Woe to his mother! What excellent war kindler he would be, should he only have supporters!" When Abu Basir heard that, he understood that The Prophet "Allah's blessing and peace be upon him" would return him to them again. So he set off till he reached the seashore. At the same time, Abu Jandal Ibn Suhail got himself released from them (Infidels) and joined to Abu Basir. So, whenever a man from Quraish embraced Islam he would follow Abu Basir till they formed a strong group. (Whenever they heard about a caravan of Quraish heading towards Sham, they stopped and attacked it, killed them (Infidels) and took their properties. The people of Quraish sent a message to The Prophet "Allah's blessing and peace be upon him" requesting him for the Sake of Allah and Kith and kin to send for Abu Basir and his companions promising that whoever amongst them came to The Prophet "Allah's blessing and peace be upon him" would be secure. So The Prophet "Allah's blessing and peace be upon him" sent for them).

فَرَغَ مِنْ قَضِيَّةِ الْكِتَابِ قالَ النَّبيُّ ﷺ لأَصْحَابِهِ: «**قُومُوا فَانْحَرُوا ثُمَّ احْلِقُوا**» ثُمَّ جَاءَ نِسْوَةٌ مُؤْمِنَاتٌ مُهَاجِرَاتٌ الآيَة، فَنَهَاهُمُ اللَّهُ أَنْ يَرُدُّوهُنَّ وَأَمَرَهُمْ أَنْ يَرُدُّوا الصَّدَاقَ. ثُمَّ رَجَعَ إلى المَدِينَةِ فَجَاءَهُ أَبو بَصِيرٍ رَجُلٌ مِنْ قُرَيْشٍ ـ يَعْني فَأَرْسَلُوا في طَلَبِهِ ـ فَدَفَعَهُ إلى الرَّجُلَيْنِ فَخَرَجَا بِهِ حَتى إذَا بَلَغَا ذَا الْحُلَيْفَةِ نَزَلُوا يَأْكُلُونَ مِنْ تَمْرٍ لَهُمْ فَقالَ أَبو بَصِيرٍ لأَحَدِ الرَّجُلَيْنِ: وَاللَّهِ إنِّي لأَرَى سَيْفَكَ هَذَا يَا فُلانُ جَيِّدًا فَاسْتَلَّهُ الآخَرُ، فقالَ: أَجَلْ قَدْ جَرَّبْتُ بِهِ، فقال أَبُو بَصِيرٍ: أَرِني أَنْظُرُ إلَيْهِ فَأَمْكَنَهُ مِنْهُ فَضَرَبَهُ حَتَّى بَرَدَ، وَفَرَّ الآخَرُ حَتَّى أَتَى المَدِينَةَ فَدَخَلَ المَسْجِدَ يَعْدُو، فقالَ النَّبيُّ ﷺ: «**لَقَدْ رَأَى هَذَا ذُعْرًا**» فقالَ: قُتِلَ وَاللَّهِ صَاحِبِي وَإنِّي لَمَقْتُولٌ. فَجَاءَ أَبُو بَصِيرٍ فقالَ: قَدْ أَوْفَى اللَّهُ ذِمَّتَكَ فَقَدْ رَدَدْتَنِي إلَيْهِمْ ثُمَّ نَجَّانِي اللَّهُ مِنْهُمْ، فَقَالَ النَّبيُّ ﷺ: «**وَيْلُ أُمِّهِ مِسعَرَ حَرْبٍ لَوْ كَانَ لَهُ أَحَدٌ**» فَلَمَّا سَمِعَ ذَلِكَ عَرَفَ أَنَّهُ سَيَرُدُّهُ إلَيْهِمْ فَخَرَجَ حَتَّى أَتَى سِيفَ الْبَحْرِ وَيَنْفَلِتُ أَبُو جَنْدَلٍ بْنُ سهيل فَلَحِقَ بِأَبِي بَصِيرٍ حَتَّى اجْتَمَعَتْ مِنْهُمْ عِصَابَةٌ».

2766- It is narrated on the authority of both Al-Miswar Ibn Makhramah and Marwan Ibn Al-Hakam that both (parties) made a ten-year peace treaty, during which the people would be safe, and that there should be a strong rope (pledge that should not be repealed), and there should be no robbery nor treachery.

2767- It is narrated on the authority of Jubair Ibn Nufair that he said: Let's go to Dhu-Makhbar, one of the companions of the Messenger of Allah "Allah's blessing and peace be upon him", and when we came to him Jubair asked him about the armistice, thereupon he said: I heard the Messenger of Allah "Allah's blessing and peace be upon him" having said: "You will have a peace treaty with the Romans, during which you both will live safely, and both of you will take part in fighting an enemy from behind you."

[169] When The Enemy Is Taken By Surprise

2768- It is narrated on the authority of Jabir Ibn Abdullah that he said: Allah's Apostle "Allah's blessing and peace be upon him" said: "Who is willing to kill Ka'b Ibn Al-Ashraf who has hurt Allah and His Apostle?" Thereupon Muhammad Ibn Maslamah got up saying: "O Allah's Apostle! Would you like that I kill him?" The Prophet "Allah's blessing and peace be upon him" said: "Yes." Muhammad Ibn Maslamah said: "Then allow me to say a (false) thing (in order To deceive Ka'b)."The Prophet "Allah's blessing and peace be upon him" said: "You may say it." Then Muhammad Ibn Maslamah went to Ka'b and said: "That man (Muhammad) demands the alms from us, and he has troubled us, and I have come to borrow something from you." On that, Ka'b said: "By Allah, you will get tired of him!" Muhammad Ibn Maslamah said: "Now as we have followed him, we do not want to leave him until we see how his end is going to be. Now we want you to lend us one or two Wasaqs." Ka'b said: "Yes, (I will), but you should mortgage something to me." Muhammad Ibn Maslamah and his companions said: "What do you want?" Ka'b replied: "Mortgage your women to me." He said: "How can we mortgage our women to you, which will put us to shame, and you are the most handsome of the Arabs?" Ka'b said: "Then mortgage your sons to me." They said: "How can we mortgage our sons to you? Later they would be abused by the people's saying that so-and-so was mortgaged for one or two Wasaqs of food. That would cause us great disgrace. But we will mortgage our arms to you." He accepted. When they came and called him, he went to them wrapped in his clothes, and diffusing perfume. When Muhammad Ibn Maslamah sat near him, and he had come in the company of three or four men, he said: "I have never smelt

2766 ـ حدّثنا مُحَمَّدُ بنُ الْعَلاَءِ: حدَّثنا ابنُ إِدْرِيسَ قالَ: سَمِعْتُ ابنَ إِسْحَاقَ، عن الزُّهْرِيِّ، عن عُرْوَةَ بنِ الزُّبَيْرِ، عن المِسْوَرِ بنِ مَخْرَمَةَ، وَمَرْوَانِ بْنِ الْحَكَمِ «أَنَّهُمْ اصْطَلَحُوا عَلَى وَضْعِ الْحَرْبِ عَشْرَ سِنِينَ يَأْمَنُ فِيهِنَّ النَّاسُ وَعَلَى أَنَّ بَيْنَنَا عَيْبَةً مَكْفُوفَةً وَأَنَّهُ لاَ إِسْلاَلَ وَلاَ إِغْلاَلَ».

2767 ـ حدّثنا عَبْدُ اللَّهِ بنُ مُحَمَّدٍ النُّفَيْلِيُّ: حدَّثنا عِيسَى بنُ يُونُسَ: حدَّثنا الأَوْزَاعِيُّ، عن حَسَّانَ بنِ عَطِيَّةَ قالَ: مَالَ مَكْحُولٌ وَابنُ أَبي زَكَرِيَّا إلى خَالِدِ بنِ مَعْدَانَ وَمِلْتُ مَعَهُمَا فَحَدَّثَنَا عَنْ جُبَيْرِ بنِ نُفَيْرٍ قال: قالَ جُبَيْرٌ: انْطَلِقْ بِنَا إِلى ذِي مِخْبَرٍ ـ رَجُلٌ مِنْ أَصْحَابِ النَّبيِّ ﷺ ـ فَأَتَيْنَاهُ فَسَأَلَهُ جُبَيْرٌ عن الْهُدْنَةِ فَقالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «**سَتُصَالِحُونَ الرُّومَ صُلْحًا آمِنًا وَتَغْزُونَ أَنْتُمْ وَهُمْ عَدُوًّا مِنْ وَرَائِكُمْ**».

[ت169/م157] ـ باب في العدو يُؤْتَى على غُرَّة ويتشبه بهم حتى تنال الفرصة

2768 ـ حدّثنا أَحْمَدُ بنُ صَالِحٍ: حدَّثنا سُفْيَانُ، عن عَمْرِو بنِ دِينَارٍ، عن جَابِرٍ قالَ: قالَ رَسُولُ اللَّهِ ﷺ: «**مَنْ لِكَعْبِ بنِ الأَشْرَفِ فَإِنَّهُ قَدْ آذَى اللَّهَ وَرَسُولَهُ**»، فقامَ مُحَمَّدُ بنُ مَسْلَمَةَ فقالَ: أَنَا يَا رَسُولَ اللَّهِ، أَتُحِبُّ أَنْ أَقْتُلَهُ؟ قالَ: «**نَعَمْ**» قالَ: فَأْذَنْ لِي أَنْ أَقُولَ شَيْئًا؟ قالَ: «**نَعَمْ**».

فَأَتَاهُ فقالَ: إِنَّ هَذَا الرَّجُلَ قَدْ سَأَلَنَا الصَّدَقَةَ، وَقَدْ عَنَّانَا، قَالَ: وَأَيْضًا لَتَمَلُّنَّهُ! قالَ: اتَّبَعْنَاهُ فَنَحْنُ نَكْرَهُ أَنْ نَدَعَهُ حَتَّى نَنْظُرَ إِلَى أَيِّ شَيْءٍ يَصِيرُ أَمْرُهُ، وَقَدْ أَرَدْنَا أَنْ تُسْلِفَنَا وَسْقًا أَوْ وَسْقَيْنِ. قالَ كَعْبٌ: أَيَّ شَيْءٍ تَرْهَنُونِي؟ قال: وَمَا تُرِيدُ مِنَّا؟ فقال: نِسَاءَكُم. قالُوا: سُبْحَانَ اللَّهِ أَنْتَ أَجْمَلُ الْعَرَبِ نَرْهَنُكَ نِسَاءَنَا فَيَكُونُ ذَلِكَ عَارًا عَلَيْنَا، قالَ: فَتَرْهَنُونِي أَوْلاَدَكُم، قالُوا: سُبْحَانَ اللَّهِ يُسَبُّ ابنُ أَحَدِنَا فَيُقَالُ: رُهِنْتَ بِوَسْقٍ أَوْ وَسْقَيْنِ؟ قالُوا نَرْهَنُكَ اللأْمَةَ ـ يُرِيدُ السِّلاَحَ ـ قالَ: نَعَم.

فَلَمَّا أَتَاهُ نَادَاهُ فَخَرَجَ إِلَيْهِ وَهُوَ مُتَطَيِّبٌ يَنْضَخُ رَأْسُهُ، فَلَمَّا أَنْ جَلَسَ إِلَيْهِ وَقَدْ كَانَ جَاءَ مَعَهُ بِنَفَرٍ ثَلاَثَةٍ أَوْ أَرْبَعَةٍ فَذَكَرُوا لَهُ، فقال: عندي فُلاَنَة، وهي أَعْطَرُ

a better scent than this." Ka'b replied: "I have got the best Arab women who know how to use the high class of perfume." Muhammad Ibn Maslamah requested Ka'b: "Will you allow me to smell your head?" Ka'b said: "Yes." Mohammad got his hand into his head and smelt it. Then he requested Ka'b again: "Will you allow me (to smell your head once again)?" Ka'b said: "Yes." When Muhammad got his hand into his head, and thus caught a strong hold of him, he said (to his companions): "Get at him!" So they struck him to death.

2769- It is narrated on the authority of Abu Hurairah that the Messenger of Allah "Allah's blessing and peace be upon him" said: "The faith prevents one from taking by surprise such as is inattentive (in reliance on safety granted to him), and no believer is permitted to take anyone by surprise."

[170] Magnifying Allah At Every Elevation Of The Ground

2770- It is narrated on the authority of Abdullah Ibn Umar that he said: Whenever Allah's Apostle "Allah's blessing and peace be upon him" returned from a holy battle, Hajj or Umrah, he used to magnify Allah thrice at every elevation of the ground and then say: "There is no God (to be worshipped) but Allah; He is One and has no partner. The dominion is for Him, all the praises are for Him, and He has power over all things. We are returning as repentant, worshipping, prostrating, and praising our Lord. He has kept up His promise and made His servant emerge victorious, and He Alone defeated all the confederates (of unbelievers)."

[171] The Permission For The Fighters To Leave (To Fulfill Their Needs) Which Cancelled The Forbiddance

2771- It is narrated on the authority of Ibn Abbas that he said: Allah's saying: "Those who believe in Allah and the Last Day ask you for no exemption from fighting with their goods and persons. And Allah knoweth well those who do their duty" (At-Tawbah 44) was abrogated by His saying in the Surah of An-Nur: "Only those are Believers, who believe in Allah and His Messenger: when they are with him on a matter requiring collective action, they do not depart until they have asked for his leave: those who ask for your leave are those who believe in Allah and His Messenger; so when they ask for your leave, for some business of theirs, give leave to those of them whom you wilt, and ask Allah for their forgiveness: for Allah is Oft-Forgiving, Most Merciful." (62)

نساء النَّاسِ، قال: تَأْذَنُ لي فَأَشم؟ قال: نعم، فَأَدْخَلَ يَدَهُ في رَأْسِهِ فَشَمَّهُ، قالَ: أَعُودُ؟ قالَ: نَعَمْ، فَأَدْخَلَ يَدَهُ في رَأْسِهِ، فَلَمَّا اسْتَمْكَنَ مِنْهُ قالَ: دُونَكُمْ فَضَرَبُوهُ حَتَّى قَتَلُوهُ.

2769 ـ حدّثنا مُحَمَّدُ بنُ حُزابَةَ: حدَّثنا إسْحَاقُ ـ يَعْني ابنَ مَنْصُورٍ ـ: حدَّثنا أَسْبَاطُ الْهَمْدَانِيُّ، عَنِ السُّدِّيِّ، عن أَبِيهِ، عن أَبي هُرَيْرَةَ، عن النَّبيِّ ﷺ قالَ: «**الإيمَانُ قَيْدُ الفَتْكِ، لاَ يَفتِكُ مُؤْمِنٌ**».

[ت170/م158] ـ باب في التكبير على كل شَرَفٍ في المسير

2770 ـ حدّثنا الْقَعْنَبِيُّ، عن مَالِكٍ، عن نَافِعٍ، عن عَبْدِ اللَّهِ بنِ عُمَرَ: أَنَّ رَسُولَ اللَّهِ ﷺ كَانَ إذَا قَفَلَ مِنْ غَزْوٍ أَوْ حَجٍّ أَوْ عُمْرَةٍ يُكَبِّرُ عَلَى كُلِّ شَرَفٍ مِنَ الأَرْضِ ثَلاَثَ تَكْبِيرَاتٍ وَيَقُولُ: «**لاَ إِلٰهَ إلاَّ اللَّه وَحْدَهُ لاَ شَرِيكَ لَهُ لَهُ المُلْكُ وَلَهُ الْحَمْدُ وَهُوَ عَلَى كُلِّ شَيْءٍ قَدِيرٌ، آيِبُونَ تَائِبُونَ، عَابِدُونَ سَاجِدُونَ لِرَبِّنَا حَامِدُونَ، صَدَقَ اللَّه وَعْدَهُ وَنَصرَ عَبْدَهُ وَهَزَمَ الأَحْزَابَ وَحْدَهُ**».

[ت171/م159] ـ باب في الإذن في القُفُول بعد النَّهي

2771 ـ حدّثنا أَحْمَدُ بنُ مُحَمَّدِ بنِ ثَابِتٍ المَرْوَزِيُّ: حدَّثَني عَلِيُّ بنُ الْحُسَيْنِ، عن أَبِيهِ، عن يَزِيدَ النَّحْوِيِّ، عنْ عِكْرِمَةَ، عن ابنِ عَبَّاسٍ قالَ: «﴿لَا يَسْتَـْٔذِنُكَ ٱلَّذِينَ يُؤْمِنُونَ بِٱللَّهِ وَٱلْيَوْمِ ٱلْءَاخِرِ﴾ [التوبة: 44] الآيَةَ نَسَخَتْهَا الَّتِي في النُّورِ: ﴿إِنَّمَا ٱلْمُؤْمِنُونَ ٱلَّذِينَ ءَامَنُوا۟ بِٱللَّهِ وَرَسُولِهِۦ﴾ إِلَى قَوْلِهِ: ﴿غَفُورٌ رَّحِيمٌ ﴿٦٢﴾﴾ [النور: 62]».

[172] Sending The Carriers Of Glad Tidings

2772- It is narrated on the authority of Jarir that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said to me: "Should you not relieve me from (the house of) Dhul-Khalasah?" he went and burnt it, and sent a man called Abu Arta'ah, belonging to (the tribe of) Ahmas to give the glad tidings of that to the Messenger of Allah "Allah's blessing and peace be upon him".

[173] Rewarding The Carrier Of Glad Tidings

2773- It is narrated on the authority of Ka'b Ibn Malik that he said: Whenever the Messenger of Allah "Allah's blessing and peace be upon him" came from journey, he would start with the mosque, and offer a two-rak'ah prayer and then he would sit with the people...and the Messenger of Allah "Allah's blessing and peace be upon him" forbade the people to talk to us the three men (who failed to attend the holy battle of Tabuk)... When this harsh attitude of the people lasted long, I walked till I scaled the wall of the garden of Abu Qatadah who was my cousin and dearest person to me, and I offered my greetings to him. By Allah, he did not return my greetings... When I had offered the Fajr prayer on the 50th morning on the roof of one of our houses and while I was sitting in the condition which Allah described (in the Qur'an), there I heard the voice of one who had ascended the mountain of Sala' calling with his loudest voice: "O Ka'b Ibn Malik! Be happy by receiving good tidings." When he whose voice I had heard, came to me conveying the good tidings, I took off my garments and dressed him with them; and by Allah, I owned no other garments than them on that day. Then I borrowed two garments and wore them and went to Allah's Apostle. When I entered the Mosque, I saw The Messenger of Allah "Allah's blessing and peace be upon him" sitting with the people around him. Talhah Ibn Ubaidullah swiftly came to me, shook hands with me and congratulated me.

[174] Falling In Prostration Out Of Giving Thanks

2774- It is narrated on the authority of Abu Bakrah that whenever the Messenger of Allah "Allah's blessing and peace be upon him" received any item of happy news for which he should be pleased, he would fall in prostration to Allah out of giving thanks.

2775- It is narrated on the authority of Amir Ibn Sa'd from his father that he said: We set out with the Messenger of Allah "Allah's blessing and peace be upon him" with the intention to go to Medina, and when we reached Azuza (a place at Al-Juhfah), he dismounted, raised both his hands

[ت172/م160] ـ باب في بعثة البُشَراء

2772 ـ حدّثنا أَبُو تَوْبَةَ الرَّبِيعُ بنُ نَافِعٍ: حدَّثنا عِيسَى، عنْ إِسْمَاعِيلَ، عن قَيْسٍ، عن جَرِيرٍ قالَ: قالَ لِي رَسُولُ اللَّهِ ﷺ: «**أَلاَ تُرِيحُنِي مِنْ ذِي الْخَلَصَةِ؟**» فَأَتَاهَا فَحَرَّقَهَا ثُمَّ بَعَثَ رَجُلاً مِنْ أَحْمَسَ إلى النَّبِيِّ ﷺ يُبَشِّرُهُ، يُكْنَى أَبَا أَرْطَاةَ.

[ت173/م161] ـ باب في إعطاء البشير

2773 ـ حدّثنا ابنُ السَّرْحِ: أَنْبَأَنَا ابنُ وَهْبٍ: أَخبرني يُونُسُ، عن ابنِ شِهَابٍ قال: أَخبرني عَبْدُ الرَّحْمٰنِ بنُ عَبْدِ اللَّهِ بنِ كَعْبِ بنِ مَالِكٍ أَنَّ عَبْدَ اللَّهِ بنَ كَعْبٍ، قال: سَمِعْتُ كَعْبَ بنَ مَالِكٍ قالَ: «كَانَ النَّبيُّ ﷺ إذَا قَدِمَ مِنْ سَفَرٍ بَدَأَ بالمَسْجِدِ فَرَكَعَ فِيهِ رَكْعَتَيْنِ ثُمَّ جَلَسَ لِلنَّاسِ، وَقَصَّ ابنُ السَّرْحِ الْحَدِيثَ، قالَ: وَنَهَى رَسُولُ اللَّهِ ﷺ المُسْلِمِينَ عنْ كَلاَمِنَا أَيُّهَا الثَّلاَثَةِ حَتَّى إذَا طَالَ عَلَيَّ تَسَوَّرْتُ جِدَارَ حَائِطِ أَبِي قَتَادَةَ وَهُوَ ابنُ عَمِّي فَسَلَّمْتُ عَلَيْهِ فَوَاللَّهِ مَا رَدَّ عَلَيَّ السَّلاَمَ، ثُمَّ صَلَّيْتُ الصُّبْحَ صَبَاحَ خَمْسِينَ لَيْلَةً عَلَى ظَهْرِ بَيْتٍ مِنْ بُيُوتِنَا، فَسَمِعْتُ صَارِخًا يا كَعْبَ بنَ مَالِكٍ أَبْشِرْ فَلَمَّا جَاءَنِي الَّذِي سَمِعْتُ صَوْتَهُ يُبَشِّرُنِي نَزَعْتُ لَهُ ثَوْبَيَّ فَكَسَوْتُهُمَا إِيَّاهُ، فَانْطَلَقْتُ حَتَّى إذَا دَخَلْتُ المَسْجِدَ، فَإِذَا رَسُولُ اللَّهِ ﷺ جَالِسٌ، فقامَ إِلَيَّ طَلْحَةُ بنُ عُبَيْدِ اللَّهِ يُهَرْوِلُ حَتَّى صَافَحَنِي وَهَنَّأَنِي».

[ت174/م162] ـ باب في سجود الشكر

2774 ـ حدّثنا مَخْلَدُ بنُ خَالِدٍ: حدَّثنا أَبُو عَاصِمٍ، عنْ أَبي بَكْرَةَ بَكَّارِ بنِ عَبْدِ العَزِيزِ قال: أَخْبَرَنِي أَبِي عَبْدُ العَزِيزِ، عنْ أَبي بَكْرَةَ، عن النَّبيِّ ﷺ: «أَنَّهُ كَانَ إِذَا جَاءَهُ أَمْرُ سُرُورٍ أَوْ بُشِّرَ بِهِ خَرَّ سَاجِدًا شاكِرًا للَّه».

2775 ـ حدّثنا أَحْمَدُ بنُ صَالِحٍ: حدَّثنا ابنُ أَبي فُدَيْكٍ: حَدَّثني مُوسَى بنُ يَعْقُوبَ، عن ابنِ عُثْمَانَ ـ قال أَبُو دَاوُدَ: وَهُوَ يَحْيَى بنُ الْحَسَنِ بنِ عُثْمَانَ ـ عن أَشْعَثَ بنِ إِسْحَاقَ بنِ سَعْدٍ، عن عَامِرِ بنِ سَعْدٍ، عن أَبيهِ قال: خَرَجْنَا مَعَ رَسُولِ اللَّهِ ﷺ مِنْ مَكَّةَ نُرِيدُ المَدِينَةَ، فَلَمَّا كُنَّا قَرِيبًا مِنْ عَزْوَرَا نَزَلَ، ثُمَّ رَفَعَ يَدَيْهِ فَدَعَا اللَّهَ سَاعَةً، ثُمَّ خَرَّ سَاجِدًا، فَمَكَثَ طَوِيلاً، ثُمَّ قَامَ فَرَفَعَ يَدَيْهِ فَدَعَا اللَّهَ تَعَالَى

and invoked Allah for a while, after which he fell in prostration, and kept as such for a long time. Then he stood, raised both his hands and invoked Allah for a while, after which he fell in prostration, and kept as such for a long time. Then, he stood, raised both his hands and invoked Allah for a while, after which he fell in prostration, and kept as such for a long time. He said: "I asked my Lord, and interceded for my nation, and He Almighty gave me (permission to admit to the Garden) one-third of my nation. I fell in prostration out of giving thanks to my Lord, then raised my head and interceded for my nation, and He Almighty gave me (permission to admit to the Garden) the second third of my nation. I fell in prostration out of giving thanks to my Lord, then raised my head and interceded for my nation, and He Almighty gave me (permission to admit to the Garden) the remaining third of my nation, thereupon I fell in prostration out of giving thanks to my Lord."

[175] What About The Night Visits

2776- It is narrated on the authority of Jabir Ibn Abdullah that he said: The Messenger of Allah "Allah's blessing and peace be upon him" disliked that a man should come to his family (from journey by surprise) at night

2777- It is narrated on the authority of Jabir Ibn Abdullah that the Messenger of Allah "Allah's blessing and peace be upon him" said: "The time that is most fitting for a man to visit his family once he comes from journey is the first portion of the night."

2778- It is narrated on the authority of Jabir Ibn Abdullah that he said: We were on journey in the company of the Messenger of Allah "Allah's blessing and peace be upon him", and when we came back and intended to enter (the city) he said: "Wait until we enter at (the first portion of the) night, to give opportunity to such of women as of unkempt hair to comb her hair, and such of women as whose husband has been absent from her to shave the hair of the pubic area."

[176] Receiving Such As Returns From Journey

2779- It is narrated on the authority of As-Sa'ib Ibn Yazid that he said: When the Messenger of Allah "Allah's blessing and peace be upon him" came back from the holy battle of Tabuk, he was received by the people, and I received him with some boys at Thaniyyat Al-Wada'.

[177] It Is Desirable To Consume The Provisions On Return

2780- It is narrated on the authority of Anas Ibn Malik that a young man belonging to (the tribe of) Aslam said to the Messenger of Allah "Allah's

سَاعَةً، ثُمَّ خَرَّ سَاجِدًا فَمَكَثَ طَوِيلاً، ثُمَّ قَامَ فَرَفَعَ يَدَيْهِ سَاعَةً ثُمَّ خَرَّ سَاجِدًا. ذَكَرَهُ أَحْمَدُ ثَلاثًا، قالَ: «**إِنِّي سَأَلْتُ رَبِّي وَشَفَعْتُ لأُمَّتِي، فَأَعْطَانِي ثُلُثَ أُمَّتِي، فَخَرَرْتُ سَاجِدًا شُكْرًا لِرَبِّي، ثُمَّ رَفَعْتُ رَأْسِي فَسَأَلْتُ رَبِّي لأُمَّتِي، فَأَعْطَانِي ثُلُثَ أُمَّتِي، فَخَرَرْتُ سَاجِدًا لِرَبِّي شُكْرًا، ثُمَّ رَفَعْتُ رَأْسِي فَسَأَلْتُ رَبِّي لأُمَّتِي، فَأَعْطَانِي الثُّلُثَ الآخِرَ، فَخَرَرْتُ سَاجِدًا لِرَبِّي**».

قال أَبُو دَاوُدَ: أَشْعَثُ بنُ إِسْحَاقَ أَسْقَطَهُ أَحْمَدُ بنُ صَالِحٍ حِينَ حدثنا بِهِ، فَحدثني بِهِ، عَنْهُ مُوسَى بنُ سَهْلٍ الرَّمْلِيُّ.

[ت175/م163] ـ باب في الطُّرُوق

2776 ـ حدّثنا حَفْصُ بنُ عُمَرَ وَمُسْلِمُ بنُ إِبْرَاهِيمَ قالاَ: حدَّثنا شُعْبَةُ، عن مُحَارِبِ بنِ دِثَارٍ، عن جَابِرِ بنِ عَبْدِ اللَّهِ قال: «كَانَ رَسُولُ اللَّهِ ﷺ يَكْرَهُ أَنْ يَأْتِيَ الرَّجُلُ أَهْلَهُ طُرُوقًا».

2777 ـ حدّثنا عُثْمَانُ بنُ أَبي شَيْبَةَ: حدَّثنا جَرِيرٌ، عن مُغِيرَةَ، عن الشَّعْبِيِّ، عن جَابِرٍ، عن النَّبيِّ ﷺ قالَ: «**إِنَّ أَحْسَنَ مَا دَخَلَ الرَّجُلُ عَلَى أَهْلِهِ إِذَا قَدِمَ مِنْ سَفَرٍ أَوَّلُ اللَّيْلِ**».

2778 ـ حدّثنا أَحْمَدُ بنُ حَنْبَلٍ: حدَّثنا هُشَيْمٌ: أخبرنا سَيَّارٌ، عن الشَّعْبِيِّ، عن جَابِرِ بنِ عَبْدِ اللَّهِ قال: كُنَّا مَعَ رَسُولِ اللَّهِ ﷺ في سَفَرٍ فَلَمَّا ذَهَبْنَا لِنَدْخُلَ قال: «**أَمْهِلُوا حَتَّى نَدْخُلَ لَيْلاً، لِكَيْ تَمْتَشِطَ الشَّعِثَةُ وَتَسْتَحِدَّ الْمُغِيبَةُ**».

قال أَبُو دَاوُدَ: قَالَ الزُّهْرِيُّ: الطُّرُوقُ بَعْدَ الْعِشَاءِ.

قال أَبُو دَاوُدَ: وَبَعْدَ المَغْرِبِ لاَ بَأْسَ بِهِ.

[ت176/م164] ـ باب في التلقِّي

2779 ـ حدّثنا ابنُ السَّرْحِ: حدَّثنا سُفْيَانُ، عن الزُّهْرِيِّ، عن السَّائِبِ بنِ يَزِيدَ قال: «لَمَّا قَدِمَ النَّبيُّ ﷺ المَدِينَةَ مِنْ غَزْوَةِ تَبُوكَ تَلَقَّاهُ النَّاسُ، فَلَقِيتُهُ مَعَ الصِّبْيَانِ عَلَى ثَنِيَّةِ الْوَدَاعِ».

[ت177/م165] ـ باب فيما يستحب من إنفاد الزاد في الغزو إذا قفل

2780 ـ حدّثنا مُوسَى بنُ إِسْمَاعِيلَ: حدَّثنا حَمَّادٌ: أخبرنا ثَابِتٌ الْبُنَانِيُّ، عن أَنَسِ بنِ مَالِكٍ: «أَنَّ فَتًى مِنْ أَسْلَمَ قال: يَا رَسُولَ اللَّهِ إِنِّي أُرِيدُ الْجِهَادَ وَلَيْسَ لِي

blessing and peace be upon him": "O Messenger of Allah! I want to take part in Jihad, but I have no property therewith to furnish myself with provisions (suitable for it)." The Messenger of Allah "Allah's blessing and peace be upon him" said: "Go to so and so Al-Ansari who had furnished himself with provisions (fitting for war) but he fell ill, and say to him: "The Messenger of Allah "Allah's blessing and peace be upon him" salutes you, and tells you to give me whatever provisions therewith you had furnished yourself." When he came to him and said to him (what he was commanded to say) the man said to his wife: "O so and so! Give him whatever provisions you had furnished me with, and withhold nothing from it for by Allah, if you withhold anything of it, it will not be blessed by Allah."

[178] Offering Prayer On Coming Back From Journey

2781- It is narrated on the authority of Ka'b Ibn Malik that the Messenger of Allah "Allah's blessing and peace be upon him" hardly came back from journey but by the day, at forenoon (in particular), and once he came back, he would go to the mosque and offer a two-rak'ah prayer, and then sit in it.

2782- It is narrated on the authority of Ibn Umar that when the Messenger of Allah "Allah's blessing and peace be upon him" returned to Medina from his Farewell Hajj, he made his riding mount kneel down near the gate of the mosque, and then he entered the mosque and offered a two-rak'ah prayer, after which he went to his house. Nafi' told that Ibn Umar used to do the same.

[179] What About Hiring Such As Divides Joint Things Between The People

2783- It is narrated on the authority of Abu Sa'id Al-Khudri that the Messenger of Allah "Allah's blessing and peace be upon him" said: "Beware of the portion taken out of the joint thing by such as divides it between the people!" we asked: "What is meant by that portion?" he said: "It is that a man comes to divide a thing jointly shared among its owners, and reduces it (by taking a part thereof as charge for his job)."

2784- The same is narrated on the authority of Ata' Ibn Yasar from the Messenger of Allah "Allah's blessing and peace be upon him", with the following addition: "It is that a man appoints himself in charge of a group of people, thereupon he takes (as fees for his claim that he is protecting them) something from the right of so and so and something from the right of so and so."

مَالٌ أَتَجَهَّزُ بِهِ، قال: «**اذْهَبْ إِلى فُلاَنٍ الأَنْصَارِيِّ فإِنَّهُ كَانَ قَدْ تَجَهَّزَ فَمَرِضَ فَقُلْ لَهُ: إِنَّ رَسُولَ اللَّهِ ﷺ يُقْرِئُكَ السَّلاَمَ، وَقُلْ لَهُ: ادْفَعْ إِلَيَّ مَا تَجَهَّزْتَ بِهِ**» فَأَتَاهُ فَقَالَ لَهُ ذَلِكَ، فَقَالَ لامْرَأَتِهِ: يَا فُلاَنَةُ ادْفَعِي إِلَيْهِ مَا جَهَّزْتِينِي بِهِ، وَلاَ تَحْبِسِي مِنْهُ شَيْئًا، فَواللَّهِ لا تَحْبِسِينَ مِنْهُ شَيْئًا فَيُبَارِكَ اللَّه فِيهِ».

[ت178/م166] ـ باب في الصلاة عند القُدوم من السفر

2781 ـ حدّثنا مُحَمَّدُ بنُ المُتَوَكِّلِ العَسْقَلاَنِيُّ والْحَسَنُ بنُ عَلِيٍّ قالاَ: حدَّثنا عَبْدُ الرَّزَّاقِ: أخبرني ابنُ جُرَيْجٍ قال: أخبرني ابنُ شِهَابٍ قال: أخبرني عَبْدُ الرَّحْمٰنِ بنُ عَبْدِ اللَّهِ بنِ كَعْبِ بنِ مَالِكٍ، عن أَبِيهِ عَبْدِ اللَّهِ بنِ كَعْبٍ وَعَمِّهِ عُبَيْدِ اللَّهِ بنِ كَعْبٍ، عن أَبِيهِمَا كَعْبِ بنِ مَالِكٍ: «أَنَّ النَّبِيَّ ﷺ كَانَ لاَ يَقْدِمُ مِنْ سَفَرٍ إِلاَّ نَهَارًا، ـ قال الحَسَنُ: في الضُّحَى ـ، فَإِذَا قَدِمَ مِنْ سَفَرٍ أَتَى المَسْجِدَ فَرَكَعَ فِيهِ رَكْعَتَيْنِ ثُمَّ جَلَسَ فِيهِ».

2782 ـ حدّثنا مُحَمَّدُ بنُ مَنْصُورٍ الطُّوسِيُّ: حدَّثنا يَعْقُوبُ: حدَّثنا أَبي، عن ابنِ إِسْحَاقَ قال: حدَّثني نَافِعٌ، عن ابنِ عُمَرَ: «أَنَّ رَسُولَ اللَّهِ ﷺ حِينَ أَقْبَلَ مِنْ حَجَّتِهِ دَخَلَ المَدِينَةَ فَأَنَاخَ عَلَى بَابِ مَسْجِدِهِ، ثُمَّ دَخَلَهُ، فَرَكَعَ فِيهِ رَكْعَتَيْنِ، ثُمَّ انْصَرَفَ إِلى بَيْتِهِ».

قالَ نَافِعٌ: فَكَانَ ابنُ عُمَرَ كَذَلِكَ يَصْنَعُ.

[ت179/م167] ـ باب في كراء المقاسم

2783 ـ حدّثنا جَعْفَرُ بنُ مُسَافِرٍ التِّنِّيسِيُّ: حدَّثنا ابنُ أَبي فُدَيْكٍ: حدَّثنا الزَّمْعِيُّ، عن الزُّبَيْرِ بنِ عُثْمَانَ، عن عَبدِ اللَّهِ بنِ عَبْدِ اللَّهِ بنِ سُرَاقَةَ، أَنَّ مُحَمَّدَ بنَ عَبْدِ الرَّحْمٰنِ بنِ ثَوْبَانَ أَخْبَرَهُ أَنَّ أَبَا سَعِيدٍ الْخُدْرِيَّ أَخْبَرَهُ أَنَّ رَسُولَ اللَّهِ ﷺ قالَ: «**إِيَّاكُم وَالْقُسَامَةَ**»، قال: فَقُلْنَا: وَمَا الْقُسَامَةُ؟ قال: «**الشَّيْءُ يَكُونُ بَيْنَ النَّاسِ فَيَجِيءُ فَيَنْتَقِصُ مِنْهُ**».

2784 ـ حدّثنا عَبْدُ اللَّهِ الْقَعْنَبِيُّ: حدَّثنا عَبْدُ العَزِيزِ ـ يَعْني ابنَ مُحَمَّدٍ ـ، عن شَرِيكٍ ـ يَعْني ابنَ أَبي نَمِرٍ ـ، عن عَطَاءِ بنِ يَسَارٍ، عن النَّبِيِّ ﷺ نَحْوَهُ قال: «**الرَّجُلُ يَكُونُ عَلَى الْفِئَامِ مِنَ النَّاسِ فَيَأْخُذُ مِنْ حَظِّ هَذَا وَحَظِّ هَذَا**».

[180] Practicing Traffic During The War

2785- It is narrated on the authority of Ubaidullah Ibn Salman that a man from amongst the companions of the Messenger of Allah "Allah's blessing and peace be upon him" related to him: When we conquered Khaibar, they brought out their spoils of goods and captives, and entered into transactions among each other, and a man came to the Messenger of Allah "Allah's blessing and peace be upon him" after he had offered prayer and said: "O Messenger of Allah! Today, I've gained profits so much as none of the inhabitants of this valley has ever gained." He asked: "Allah's mercy be upon you! What profit have you gained?" he said: "I kept engaged in transactions until I profited three hundred ounces (of gold)." The Messenger of Allah "Allah's blessing and peace be upon him" said: "Should I not tell you about something more profitable than that?" he asked: "What is that O Messenger of Allah?" He said: "It is to pray two rak'ahs after (each obligatory) prayer."

[181] Carrying Weapons To The Land Of The Enemy

2786- It is narrated on the authority of Dhul-Jawshan, a man from Ad-Dibab that he said: I went to the Messenger of Allah "Allah's blessing and peace be upon him" after he had finished from the holy battle of Badr with a young horse belonging to me called Al-Barha', and said: "O Muhammad! I've brought to you the son of Al-Barha' in order to take it (as your riding mount." The Messenger of Allah "Allah's blessing and peace be upon him" said: "I'm not in need of it. But, if you like that I would barter it for the best chosen of the armours of the holy battle of Badr, I would do so." On that he said: "I'm not to barter it for anything else." On that the Messenger of Allah "Allah's blessing and peace be upon him" said: "Then, I have no need for it."

[182] What About The Stay In The Land Of The Pagans?

2787- It is narrated on the authority of Samurah Ibn Jundub that he said: To go further: the Messenger of Allah "Allah's blessing and peace be upon him" said: "He, who joins a pagan or lives with him, he becomes then like him."

[ت180/م168] ـ باب في التجارة في الغزو

2785 ـ حدّثنا الرَّبيعُ بنُ نَافِعٍ: حدَّثنا مُعَاوِيَةُ ـ يَعني ابنَ سَلاَّمٍ ـ، عنْ زَيْدٍ ـ يَعْنِي ابنَ سَلاَّمٍ ـ أَنَّهُ سَمِعَ أَبَا سَلاَّمٍ يَقُولُ: حدَّثني عُبَيْدُ اللَّهِ بنُ سُلْمَانَ أَنَّ رَجُلاً مِنْ أَصْحَابِ النَّبيِّ ﷺ حَدَّثَهُ قالَ: لَمَّا فَتَحْنَا خَيْبَرَ أَخْرَجُوا غَنَائِمَهُمْ مِنَ المَتاعِ وَالسَّبْي، فَجَعَلَ النَّاس يَتَبَايَعُونَ غَنَائِمَهُمْ، فَجاءَ رَجُلٌ حِينَ صَلَّى رَسُولُ اللَّهِ ﷺ، فقَالَ يَا رَسُولَ اللَّهِ لَقَدْ رَبِحْتُ رِبْحًا ما رَبحَ الْيَوْمَ مِثْلَهُ أَحَدٌ مِنْ أَهْلِ هَذَا الْوَادِي قالَ: «**وَيْحَكَ وَمَا رَبِحْتَ؟**» قالَ: مَا زِلْتُ أَبِيعُ وَأَبْتَاعُ حَتَّى رَبِحْتُ ثَلاثَمِائَةِ أُوقِيَّةٍ، فقالَ رَسُولُ اللَّهِ ﷺ: «**أَنَا أُنَبِّئُكَ بِخَيْرِ رَجُلٍ رَبِحَ**». قَالَ: مَا هُوَ يَا رَسُولَ اللَّهِ؟ قال: «**رَكْعَتَيْنِ بَعْدَ الصَّلاَةِ**».

[ت181/م169] ـ باب في حمل السلاح إلى أرض العدو

2786 ـ حدّثنا مُسَدَّدٌ: حدَّثنا عِيسَى بنُ يُونُسَ: أَخبرني أَبي، عن أَبي إِسْحَاقَ، عنْ ذِي الْجَوْشَنِ ـ رَجُلٍ منَ الضِّبَابِ ـ قالَ: أَتَيْتُ النَّبيَّ ﷺ بَعْدَ أَنْ فَرَغَ منْ أَهْلِ بَدْرٍ بابنِ فَرَسٍ لِي يُقَالُ لَهَا الْقَرْحَاءُ، فَقُلْتُ: يَا مُحَمَّدُ إِنِّي قَدْ جِئْتُكَ بابنِ الْقَرْحَاءِ لِتَتَّخِذهُ، قالَ: «**لاَ حَاجَةَ لِي فِيهِ، فَإِنْ شِئْتَ أَنْ أُقِيضَكَ بِهِ الْمُخْتَارَةَ مِنْ دُرُوعِ بَدْرٍ فَعَلْتُ**»، قُلْتُ: مَا كُنْتُ أُقِيضُهُ الْيَوْمَ بِغُرَّةٍ قالَ: «**فَلاَ حَاجَةَ لِي فِيهِ**».

[ت182/م170] ـ باب في الإقامة بأَرضِ الشرك

2787 ـ حدّثنا مُحَمَّدُ بنُ دَاوُدَ بنِ سُفْيَانَ: حدَّثنا يَحْيَى بنُ حَسَّانَ قال: أَخبرنا سُلَيْمَانُ بنُ مُوسَى أَبُو دَاوُدَ قالَ: حدَّثنا جَعْفَرُ بنُ سَعْدِ بنِ سَمُرَةَ بنِ جُنْدَبٍ، قالَ: حدثني خُبَيْبُ بنُ سُلَيْمَانَ، عن أَبِيهِ سُلَيْمانَ بنِ سَمُرَةَ، عنْ سَمُرَةَ بنِ جُنْدَبٍ: أَمَّا بَعْدُ قال رَسُولُ اللَّهِ ﷺ: «**مَنْ جَامَعَ المُشْرِكَ وَسَكَنَ مَعَهُ فَإِنَّهُ مِثْلُهُ**».

(10/16) THE BOOK OF SACRIFICE

[1] The Obligation Of Sacrifice

2788- It is narrated on the authority of Mikhnaf Ibn Sulaim that he said: While we were standing with the Messenger of Allah "Allah's blessing and peace be upon him" at Arafah he said: "O people! It is incumbent upon every family to slaughter a sacrifice and an Atirah every year. Do you know what Atirah is? It is that which the people called Rajabiyyah." (It is a goat that is to be slaughtered in the month of Rajab)

Abu Dawud says: As to Atirah, it is abrogated; and the narration in general is abrogated.

2789- It is narrated on the authority Abdullah Ibn Amr Ibn Al-As that the Messenger of Allah "Allah's blessing and peace be upon him" said: "I've been commanded (by Allah) to celebrate the day of Sacrifice as festival which Allah Almighty has made for this (Muslim) nation, (on which a sacrifice should be offered)." A man said: "Tell me: if I find no sacrifice except a milch animal, which is given to the indigent to milk it and drink its milk, and then he restores it as female: should I offer it as sacrifice?" the Messenger of Allah "Allah's blessing and peace be upon him" said: "No, but let you take something from your hair and nail, trim your mustache, and shave the hair of your pubic area: this is the perfection of your sacrifice in the Sight of Allah Almighty."

[2] Offering Sacrifice On Behalf Of A Dead

2790- It is narrated on the authority of Hanash that he said: I saw Ali having sacrificed two rams thereupon I asked him: "What is that?" he said: "The Messenger of Allah "Allah's blessing and peace be upon him" recommended me to offer sacrifice on his behalf; and I offer (a ram as) sacrifice on his behalf."

[3] When A Man Takes Something From His Hair During The (First) Ten (Days Of Dhul-Hijjah) While Having The Intention To Offer Sacrifice

2791- It is narrated on the authority of Umm Salamah that she said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "He, who has a sacrifice to offer, then, when the new moon of (the month of) Dhul-Hijjah appears, let him take nothing of his hair and nails before he offers his sacrifice."

[16/10] ـ كتاب الضَّحايا

[ت1/م1] ـ باب ما جاء في إيجاب الأَضاحي

2788 ـ حدّثنا مُسَدَّدٌ: حدَّثنا يَزِيدُ. (ح)، وحدَّثنا حُمَيْدُ بنُ مَسْعَدَةَ قالَ: حدَّثنا بِشْرٌ، عن عَبْدِ اللَّهِ بنِ عَوْنٍ، عنْ عَامِرٍ أَبي رَمْلَةَ قالَ: أَنبأَنا مِخْنَفُ بنُ سُلَيْم قالَ: وَنَحْنُ وُقُوفٌ مَعَ رَسُولِ اللَّهِ ﷺ بعَرَفَاتٍ قَالَ: قَالَ: **«يَا أَيُّهَا النَّاسُ إنَّ عَلَى كُلِّ أَهْلِ بَيْتٍ في كُلِّ عَامٍ أُضْحِيَةً وَعَتِيرَةً أَتَدْرُونَ مَا الْعَتِيرَةُ؟ هَذِهِ الَّتِي يَقُولُ النَّاسُ: الرَّجَبِيَّةُ»**.

قال أَبُو دَاوُدَ: الْعَتِيرَةُ مَنْسُوخَةٌ هَذَا خَبَرٌ مَنْسُوخٌ.

2789 ـ حدّثنا هَارُونُ بنُ عَبْدِ اللَّهِ قال: حدَّثنا عَبْدُ اللَّهِ بنُ يَزِيدَ قال: حدثني سَعِيدُ بنُ أَبي أَيُّوبَ قال: حدثني عَيَّاشُ بنُ عَبَّاسٍ الْقِتْبَانيُّ، عن عِيسَى بنِ هِلاَلٍ الصَّدَفِيِّ، عن عَبْدِ اللَّهِ بنِ عَمْرِو بنِ الْعَاصِ أَنَّ النَّبيَّ ﷺ قال: **«أُمِرْتُ بِيَوْم الأَضْحَى: عِيدٌ جَعَلَهُ اللَّهِ لِهَذِهِ الأُمَّةِ»**. قال الرَّجُلُ: أَرَأَيْتَ إنْ لَمْ أَجِدْ إلاَّ مَنِيحَةً أُنْثَى أَفَأُضَحِّي بِهَا؟ قال: **«لاَ، وَلَكِنْ تَأْخُذُ مِنْ شَعَرِكَ وَأَظْفَارِكَ، وَتَقُصُّ شَارِبَكَ، وَتَحْلِقُ عَانَتَكَ، فَتِلْكَ تَمَامُ أُضْحِيَتِكَ عِنْدَ اللَّهِ»**.

[ت2/م1، 2] ـ باب الأُضحية عن الميت

2790 ـ حدّثنا عُثْمَانُ بنُ أَبي شَيْبَةَ قال: حدَّثنا شَرِيكٌ، عن أَبي الْحَسْنَاءِ، عن الْحَكَم، عن حَنَشٍ قال: «رَأَيْتُ عَلِيّاً رَضِيَ اللَّهِ عَنْهُ يُضَحِّي بِكَبْشَيْنِ، فَقُلْتُ لَهُ: مَا هَذَا؟ فَقَالَ: إنَّ رَسُولَ اللَّهِ ﷺ أَوْصَانِي أَنْ أُضَحِّيَ عَنْهُ فَأَنَا أُضَحِّي عَنْهُ».

[ت3/م2 ، 3] ـ باب الرَّجل يأْخذ من شَعْره في العشر وهو يريد أَن يضحي

2791 ـ حدّثنا عُبَيْدُ اللَّهِ بنُ مُعَاذٍ قال: حدَّثنا أَبي قال: حدَّثنا مُحَمَّدُ بنُ عَمْرو قال: أَخبرنا عَمْرُو بنُ مُسْلِم اللَّيْثِيُّ قال: سَمِعْتُ سَعِيدَ بنَ الْمُسَيَّبِ يَقُولُ: سَمِعْتُ أُمَّ سَلَمَةَ تَقُولُ: قالَ رَسُولُ اللَّهِ ﷺ: **«مَنْ كَانَ لَهُ ذَبْحٌ يَذْبَحُهُ فَإذَا أَهَلَّ هِلاَلُ ذِي الحِجَّةِ فَلاَ يَأْخُذَنَّ مِنْ شَعَرِهِ وَلاَ مِنْ أَظْفَارِهِ شَيْئًا حتى يُضَحِّيَ»**.

قال أَبُو دَاوُدَ: اخْتَلَفُوا عَلَى مَالِكٍ وَعَلَى مُحَمَّدِ بنِ عَمْرٍو في عَمْرِو بنِ مُسْلِمٍ، فقالَ بَعْضُهُمْ: عُمَرَ، وأَكْثَرُهُمْ قَالَ: عَمْرو.

قال أَبُو دَاوُدَ: وَهُوَ عَمْرُو بنُ مُسْلِمِ بنِ أُكَيْمَةَ اللَّيْثِيُّ الْجُنْدَعِيُّ.

[4] Which Of Animals Is Desirable To Be Offered As Sacrifice?

2792- It is narrated on the authority of A'ishah that the Messenger of Allah "Allah's blessing and peace be upon him" ordered that a ram trampling in blackness, i.e. having blackness in its hoofs, the parts of kneeling in its body, and the area surrounding its eyes, having blackness in both eyes, and blackness in its knees, be brought to him; and a ram of such a description was brought to him, which he offered as sacrifice. He said: "O A'ishah! Bring me the knife and whet it with the help of a stone." I did accordingly, and he took it and caught hold of the ram and made it lie on the ground, and then slaughtered it saying: "In the Name of Allah: accept it from Muhammad and the family of Muhammad, and from the nation of Muhammad." Then he "Peace be upon him" offered it as sacrifice.

2793-It is narrated on the authority of Anas that the Messenger of Allah "Allah's blessing and peace be upon him" slaughtered seven sacrificial camels while standing with his hand, and in Medina, he offered as sacrifice two horned white and black rams.

2794-It is narrated on the authority of Anas that the Messenger of Allah "Allah's blessing and peace be upon him" offered as sacrifice two horned rams white and black in colour, which he slaughtered while magnifying Allah, mentioning His Name (on slaughtering), and putting his foot on their sides.

2795-It is narrated on the authority of Jabir Ibn Abdullah that he said: The Messenger of Allah "Allah's blessing and peace be upon him" sacrificed on the Id of Al-Adha two horned rams white and black in colour, with their testicles removed; and he said when he turned them (to be slaughtered): "For me, I have set my face, firmly and truly, towards Him Who created the heavens and the earth, and never shall I give partners to Allah." (Al-An'am 79) "Truly, my prayer and my service of sacrifice, my life and my death, are (all) for Allah, the Cherisher of the Worlds; No partner hath He: this am I commanded, and I am the first of those who bow to His Will." (162 163) (Then he said) "O Allah! from You it is, and to You it is (slaughtered) on behalf of Muhammad and his nation. In the Name of Allah, and Allah is Greater." Then, he slaughtered them.

2796- It is narrated on the authority of Abu Sa'id that he said: The Messenger of Allah "Allah's blessing and peace be upon him" used to offer as sacrifice a horned male ram, which had blackness in his belly, feet and eyes.

[ت4/م3 ، 4] ـ باب ما يستحب من الضحايا

2792 ـ حدّثنا أَحْمَدُ بنُ صَالِحٍ، قال: حدَّثنا عَبْدُ اللَّهِ بنُ وَهْبٍ، قال: أخبرني حَيْوَةُ قالَ: حدثني أبو صَخْرٍ، عن ابنِ قُسَيْطٍ، عنْ عُرْوَةَ بنِ الزُّبَيْرِ، عن عَائِشَةَ: «أَنَّ رَسُولَ اللَّهِ ﷺ أَمَرَ بِكَبْشٍ أَقْرَنَ يَطَأُ في سَوَادٍ وَيَنْظُرُ فِي سَوَادٍ وَيَبْرُكُ في سَوَادٍ، فَأُتِيَ بِهِ، فَضَحَّى بِهِ، فَقالَ: **«يَا عَائِشَةُ هَلُمِّي الْمُدْيَةَ»**، ثُمَّ قالَ: **«اشْحَذِيهَا بِحَجَرٍ»** فَفَعَلَتْ، فَأَخَذَهَا، وَأَخَذَ الكَبْشَ، فَأَضْجَعَهُ فَذَبَحَهُ، وَقال: **«بِسْمِ اللَّهِ اللَّهُمَّ تَقَبَّلْ مِنْ مُحَمَّدٍ وَآلِ مُحَمَّدٍ وَمِنْ أُمَّةِ مُحَمَّدٍ»**، ثُمَّ ضَحَّى بِهِ ﷺ».

2793 ـ حدّثنا مُوسَى بنُ إِسْمَاعِيلَ قال: حدَّثنا وَهْبٌ، عنْ أَيُّوبَ، عنْ أَبي قِلَابَةَ، عنْ أَنَسٍ: «أَنَّ النَّبيَّ ﷺ نَحرَ سَبْعَ بَدَنَاتٍ بِيَدِهِ قِيَامًا، وَضَحَّى بالْمَدِينَةِ بِكَبْشَيْنِ أَقْرَنَيْنِ أَمْلَحَيْنِ».

قال أَبو دَاوُدَ: الأملحُ إذا كان الغالبَ عليهِ البياضُ.

2794 ـ حدّثنا مُسْلِمُ بنُ إبْرَاهِيمَ: حدَّثنا هِشَامٌ، عن قَتَادَةَ، عن أَنَسٍ: «**أَنَّ النَّبيَّ ﷺ ضَحَّى بِكَبْشَيْنِ أَقْرَنَيْنِ أَمْلَحَيْنِ، يَذْبَحُ وَيُكَبِّرُ وَيُسَمِّي وَيَضَعُ رِجْلَهُ عَلَى صَفْحَتِهِمَا**».

2795 ـ حدّثنا إبْرَاهِيمُ بنُ مُوسَى الرَّازِيُّ قال: حدَّثنا عِيسَى قال: حدَّثنا مُحَمَّدُ بنُ إسْحَاقَ، عن يَزِيدَ بنِ أبي حَبِيبٍ، عن أبي عَيَّاشٍ، عن جَابِرِ بنِ عَبْدِ اللَّهِ قالَ: ذَبَحَ النَّبيُّ ﷺ يَوْمَ الذَّبحِ كَبْشَيْنِ أَقْرَنَيْنِ أَمْلَحَيْنِ مُوجَئَيْنِ فَلَمَّا وَجَّهَهُمَا، قال: «**إِنِّي وَجَّهْتُ وَجْهِيَ لِلَّذِي فَطَرَ السَّمٰوَاتِ وَالأَرْضَ عَلَى مِلَّةِ إبْرَاهِيمَ حَنِيفًا، وَمَا أَنَا مِنَ الْمُشْرِكِينَ، إنَّ صَلَاتِي وَنُسُكِي وَمَحْيَايَ وَمَمَاتِي للَّه رَبِّ الْعَالَمِينَ، لاَ شَرِيكَ لَه، وَبِذٰلِكَ أُمِرْتُ وَأَنَا مِنَ الْمُسْلِمِينَ، اللَّهُمَّ مِنْكَ وَلَكَ عَنْ مُحَمَّدٍ وَأُمَّتِهِ بِسْمِ اللَّهِ وَاللَّهُ أَكْبَرُ**»، ثُمَّ ذَبَحَ.

2796 ـ حدّثنا يَحْيَى بنُ مَعِينٍ قال: حدَّثنا حَفْصُ، عن جَعْفَرٍ، عن أَبِيهِ، عن أَبي سَعِيدٍ قال: «كَانَ رَسُولُ اللَّهِ ﷺ يُضَحِّي بِكَبْشٍ أَقْرَنَ فَحِيلٍ يَنْظُرُ في سَوَادٍ وَيَأْكُلُ في سَوَادٍ وَيَمْشِي في سَوَادٍ».

[5] Which Age Should A Sacrifice Attain

2797- It is narrated on the authority of Jabir that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "Do not slaughter (as sacrifice) (of cows) but a three-year-old cow, or of sheep and rams but a one-year-old (sheep or goat), unless it is difficult upon you (to find it) and in this case, you could slaughter a six-month-old ram."

2798- It is narrated on the authority of Zaid Ibn Khalid Al-Juhani that he said: The Messenger of Allah "Allah's blessing and peace be upon him" distributed his sacrifices among his companions, and he gave me a one-year-old healthy strong mail goat, and when I brought it back to him and told him that it was a one-year-old goat, he said to me: "Offer it as sacrifice."

2799- It is narrated on the authority of Asim Ibn Kulaib from his father that he said: We were with one of the companions of the Messenger of Allah "Allah's blessing and peace be upon him" called Mujashi', belonging to Banu Sulaim; and there were scarcity of sheep thereupon he ordered a caller to pronounce that the Messenger of Allah "Allah's blessing and peace be upon him" said: "No doubt, a six-month-old ram is fitting (for sacrifice) as a two-year-old sheep is."

2800- It is narrated on the authority of Al-Bara' that he said: The Messenger of Allah "Allah's blessing and peace be upon him" delivered a sermon after offering the prayer on the Day of Sacrifice and said: "Whoever offers the prayer like us and slaughters like us then his ritual of sacrifice has become complete and he in fact has observed the religious practice of the Muslims. Whoever slaughters his sacrifice before the Feast prayer, has not offered a sacrifice." Abu Burdah Ibn Niyar said: "O Allah's Apostle! I have slaughtered my sheep before I should come out to offer prayer and I thought today as a day of eating and drinking, and I liked my sheep to be the first to be slaughtered in my house. So I slaughtered my sheep and took my food and gave food to my family and neighbours." The Prophet "Allah's blessing and peace be upon him" said: "The sheep which you have slaughtered is just mutton (not a sacrifice)." He (Abu Burdah) said: "O Allah's Apostle! I have a young she-goat less than year in age, which is dearer to me than two sheep. Will that be sufficient as a sacrifice on my behalf? "The Prophet "Allah's blessing and peace be upon him" said: "Yes, it will be sufficient for you but it will not be sufficient (as a sacrifice) for anyone else after you."

[ت5/م4، 5] ـ باب ما يجوز في الضحايا من السنِّ

2797 ـ حدّثنا أَحْمَدُ بنُ أَبي شُعَيْبِ الْحَرَّانِيُّ قالَ: أَخْبَرَنا زُهَيْرُ بنُ مُعَاوِيَةَ قال: حدَّثنا أَبو الزُّبَيْرِ، عن جابِرٍ قالَ: قالَ رَسُولُ اللَّهِ ﷺ: «**لاَ تَذْبَحُوا إِلاَّ مُسِنَّةً، إِلاَّ أَنْ يَعْسُرَ عَلَيْكُم فَتَذْبَحُوا جَذَعَةً مِنَ الضَّأْنِ**».

2798 ـ حدّثنا مُحَمَّدُ بنُ صُدْرَانَ قال: حدَّثنا عَبْدُ الأَعْلَى بنُ عَبْدِ الأَعْلَى قال: حدَّثنا مُحَمَّدُ بنُ إسْحاقَ قال: حدثني عُمَارَةُ بنُ عَبْدِ اللَّهِ بنِ طُعْمَةَ، عن سَعِيدِ بنِ الْمُسَيَّبِ، عن زَيْدِ بنِ خَالِدٍ الْجُهَنِيِّ قال: «قَسَمَ رَسُولُ اللَّهِ ﷺ في أَصْحَابِهِ ضَحَايَا، فَأَعْطَانِي عَتُودًا جَذَعًا، قال: فَرَجَعْتُ بِهِ إِلَيْهِ فَقُلْتُ لَهُ: إِنَّهُ جَذَعٌ، فقال: «**ضَحِّ بِهِ**»، فَضَحَّيْتُ بِهِ».

2799 ـ حدّثنا الْحَسَنُ بنُ عَلِيٍّ قال: حدَّثنا عَبْدُ الرَّزَّاقِ: أَخبرَنَا الثَّوْرِيُّ، عن عَاصِمِ بنِ كُلَيْبٍ، عن أَبِيهِ قال: كُنَّا مَعَ رَجُلٍ مِنْ أَصْحَابِ النَّبيِّ ﷺ يُقَالُ لَهُ مُجَاشِعٌ مِنْ بَنِي سُلَيْمٍ، فَعَزَّتِ الْغَنَمُ، فَأَمَرَ مُنَادِيًا فَنَادَى: إِنَّ رَسُولَ اللَّهِ ﷺ يَقُولُ: «**إِنَّ الْجَذَعَ يُوَفِّي مِمَّا يُوَفِّي مِنْهُ الثَّنِيُّ**».

قال أَبُو دَاوُدَ: وَهُوَ مُجَاشِعُ بنُ مَسْعُودٍ.

2800 ـ حدّثنا مُسَدَّدٌ قال: حدَّثنا أَبو الأَحْوَصِ قال: حدَّثنا مَنْصُورٌ، عن الشَّعْبِيِّ، عن الْبَرَاءِ قال: خَطَبَنَا رَسُولُ اللَّهِ ﷺ يَوْمَ النَّحْرِ بَعْدَ الصَّلاَةِ فقال: «**مَنْ صَلَّى صَلاَتَنَا وَنَسَكَ نُسُكَنَا فَقَدْ أَصَابَ النُّسُكَ، وَمَنْ نَسَكَ قَبْلَ الصَّلاَةِ فَتِلْكَ شَاةُ لَحْمٍ**»، فَقَامَ أَبُو بُرْدَةُ بنُ نِيارٍ فقالَ: يَا رَسُولَ اللَّهِ، وَاللَّهِ لَقَدْ نَسَكْتُ قَبْلَ أَنْ أَخْرُجَ إلى الصَّلاَةِ وَعَرَفْتُ أَنَّ الْيَوْمَ يَوْمُ أَكْلٍ وَشُرْبٍ، فَتَعَجَّلْتُ فَأَكَلْتُ وَأَطْعَمْتُ أَهْلِي وَجِيرَانِي، فَقال رَسُولُ اللَّهِ ﷺ: «**تِلْكَ شَاةُ لَحْمٍ**»، فقال: إِنَّ عِنْدِي عَنَاقًا جَذَعَةً وَهِيَ خَيْرٌ مِنْ شَاتَيْ لَحْمٍ، فَهَلْ تُجْزِىءُ عَنِّي؟ قال: «**نَعَمْ، وَلَنْ تُجْزِىءَ عَنْ أَحَدٍ بَعْدَكَ**».

2801- It is narrated on the authority of Al-Bara' that he said: A maternal uncle of mine called Abu Burdah sacrificed his animal before (Id) Prayer. Thereupon The Messenger of Allah "Allah's blessing and peace be upon him" said: "That is a goat (slaughtered for the sake of) flesh (and not as a sacrifice on the Day of Al-Adha)." He (Abu Burdah) said: "I have a six-month lamb." He (The Prophet) said: "Offer it as a sacrifice, but it will not suffice for sacrifice anyone other than you (afterwards)."

[6] Which Of Animals Is Undesirable To Be Offered As Sacrifice?

2802- It is narrated on the authority of Ubaid Ibn Fairuz that he said: I asked Al-Bara' Ibn Azib: Which of animals is impermissible to be offered as sacrifice?" On that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said (pointing) with his fingers as such, and mine are shorter than his, as well as my fingertips are shorter than his: "There are four (characteristics, for anyone of which) the animal is not fitting for sacrifice: such as has clear blindness in one eye; such as ill, whose illness is evident; such as lame, whose lameness is evident; and such as (has any of its feet) broken, which could not move." He said: "I dislike that it might be short of age." On that the Messenger of Allah "Allah's blessing and peace be upon him" said: "Leave whatever you dislike of it, but do not forbid it to anyone."

2803- It is narrated on the authority of Yazid Dhu Misr: I came to Utbah Ibn Abd As-Sulami and said to him: "O Abu Al-Walid! I came out in search for (animals to be offered as) sacrifice, and found none appealing to me but an animal one or two of whose teeth have fallen, which I disliked: what do you say pertaining to it?" he said: "Would that you have brought it to me!" I said: "Glory to Allah! Should it be fitting for sacrifice on your behalf and not on mine?" he said: "Yes, for you are in doubt, while I'm not. Indeed, the Messenger of Allah "Allah's blessing and peace be upon him" forbade to offer as sacrifice such as has its ears cut off, such as has its horns uprooted, such as has its sight lost, such as too weak and faint to follow the rest of the flock of sheep, and such as has (any part of its body) broken."

2804- It is narrated on the authority of Ali that he said: The Messenger of Allah "Allah's blessing and peace be upon him" ordered us to catch a glimpse of both eyes and ears (of the animal which is to be offered as sacrifice, to know how perfect it is), and not to offer as sacrifice such of animals as has blindness in one of its eyes, such as has its ears cut from the front, such as has its ears cut from the back, such as has its ears slit, such as has its ears holed, or such as has damage in its horns."

2801 ـ حدّثنا مُسَدَّدٌ: حدَّثنا خَالِدٌ، عن مُطَرِّفٍ، عن عَامِرٍ، عن الْبَرَاءِ بنِ عَازِبٍ قال: ضَحَّى خَالٌ لِي ـ يُقَالُ لَهُ أَبو بُرْدَةَ ـ قَبْلَ الصَّلاَةِ، فقالَ لَهُ رَسُولُ اللَّهِ ﷺ: «**شَاتُكَ شَاةُ لَحْمٍ**»، فقال: يَا رَسُولَ اللَّهِ إنَّ عِنْدِي داجنًا جَذَعَةً مِنَ المَعزِ، فقال: «**اذْبَحْهَا وَلا تَصْلُحُ لِغَيْرِكَ**».

[ت6/م5، 6] ـ باب ما يُكره من الضحايا

2802 ـ حدّثنا حَفْصُ بنُ عُمَرَ النَّمَرِيُّ قال: حدَّثنا شُعْبَةُ، عن سُلَيْمَانَ بنِ عَبْدِ الرَّحْمٰنِ، عن عُبَيْدِ بنِ فَيْرُوزَ قال: سَأَلْتُ الْبَرَاءَ بنَ عَازِبٍ عَمَّا لا يَجُوزُ في الأَضَاحِي، فقال: قَامَ فِينَا رَسُولُ اللَّهِ ﷺ وَأَصَابِعِي أَقْصَرُ مِنْ أَصَابِعِهِ، وَأَنَامِلِي أَقْصَرُ مِنْ أَنَامِلِهِ، فقال: «**أَرْبَعٌ لاَ تَجُوزُ في الأَضَاحِي: الْعَوْرَاءُ بَيِّنٌ عَوَرُهَا، وَالْمَرِيضَةُ بَيِّنٌ مَرَضُهَا، وَالعَرْجَاءُ بَيِّنٌ ظَلْعُهَا، وَالْكَسِيرُ الَّتِي لا تَنْقَى**» قال: قُلْتُ: فإنِّي أَكْرَهُ أَنْ يَكُونَ في السِّنِّ نَقْصٌ فقال: «**ما كَرِهْتَ فَدَعْهُ وَلاَ تُحَرِّمْهُ عَلَى أَحَدٍ**».

قال أَبو دَاوُدَ: تَنْقَى التي لَيْسَ لَهَا مُخٌّ.

2803 ـ حدّثنا إبْرَاهِيمُ بنُ مُوسَى الرَّازِيُّ قال: أخبرنا. (ح)، وحدَّثنا عَلِيُّ بنُ بَحْرِ بنِ بريٍّ: حدَّثنا عِيسَى، المَعنى، عن ثَوْرٍ قال: حدَّثني أَبُو حُمَيْدٍ الرُّعَيْنِيُّ قال: أخبرني يَزِيدُ ذُو مُصْرٍ قال: «أَتَيْتُ عُتْبَةَ بنَ عَبْدٍ السُّلَمِيَّ فَقُلْتُ: يَا أَبَا الْوَلِيدِ إِنِّي خَرَجْتُ أَلْتَمِسُ الضَّحَايَا فَلَمْ أَجِدْ شَيْئًا يُعْجِبُنِي غَيْرَ ثَرْمَاءَ فَكَرِهْتُهَا فَمَا تَقُولُ؟ قال: أَفَلاَ جِئْتَنِي بِهَا. قُلْتُ: سُبْحَانَ اللَّهِ تَجُوزُ عَنْكَ وَلاَ تَجُوزُ عَنِي؟ قال: نَعَمْ إِنَّكَ تَشُكُّ وَلا أَشُكُّ، إِنَّمَا نَهَى رَسُولُ اللَّهِ ﷺ عَنْ الْمُصْفَرَةِ وَالْمُسْتَأْصَلَةِ وَالْبَخْقاءَ وَالْمُشَيَّعَةِ وَالْكَسْرَاءِ.

فَالْمُصْفَرَةُ التي تُسْتَأْصَلُ أُذُنُهَا حَتَّى يَبْدوَ سِمَاخُهَا، وَالْمُسْتَأْصَلَةُ: الَّتِي اسْتُؤْصِلَ قَرْنُهَا مِنْ أَصْلِهِ، وَالْبَخْقَاءُ: الَّتِي تُبْخَقُ عَيْنُهَا، وَالْمُشَيَّعَةُ: الَّتي لاَ تَتْبَعُ الْغَنَمَ عَجَفًا وَضُعْفًا، وَالْكَسْرَاءُ: الْكَسِيرَةُ».

2804 ـ حدّثنا عَبْدُ اللَّهِ بنُ مُحَمَّدٍ النُّفَيْلِيُّ قالَ: حدَّثنا زُهَيْرٌ قالَ: حدَّثنا أَبو إِسْحَاقَ، عنْ شُرَيْحِ بنِ نُعْمَانَ وَكَانَ رَجَلَ صِدْق، عنْ عَلِيٍّ قالَ: «أَمَرَنَا رَسُولُ اللَّهِ ﷺ أَنْ نَسْتَشْرِفَ الْعَيْنَ والأُذُنَيْنِ وَلاَ نُضَحِّي بِعَوْرَاءَ، وَلاَ مُقَابَلَةٍ، وَلاَ مُدابَرَةٍ، وَلاَ خَرْقاءَ، وَلاَ شَرْقَاءَ».

قالَ زُهَيْرٌ: فَقُلْتُ لأَبي إِسْحَاقَ: أَذَكَرَ عَضْبَاءَ؟ قالَ لاَ، قُلْتُ: فَمَا الْمُقَابَلَةُ؟ قالَ: يُقْطَعُ طَرَفُ الأُذُنِ، قُلْتُ: فَما المُدَابَرَةُ؟ قال: يُقْطَعُ منْ مُؤَخَّرِ الأُذُنِ. قُلْتُ: فما الشَّرْقَاءُ؟ قال: تُشَقُّ الأُذُنُ. قُلْتُ: فَما الْخَرْقَاءُ؟ قالَ: تَخْرِقُ أُذُنَهَا للسِّمَةِ.

2805- It is narrated on the authority of Ali that the Messenger of Allah "Allah's blessing and peace be upon him" forbade to offer as sacrifice such of animals as has damage in its ears and horns.

2806- It is narrated on the authority of Qatadah that he said: I asked Sa'id Ibn Al-Musayyab: "What is meant by damage (in both ears and horns)?" he said: "It is to have half its ears or horns cut off."

[7] How Many Persons On Behalf Of Whom A Cow Or Camels Might Be Sufficient For Sacrifice

2807- It is narrated on the authority of Jabir Ibn Abdullah that he said: During the lifetime of the Messenger of Allah "Allah's blessing and peace be upon him", we completed Umrah unto Hajj, during which we slaughtered as sacrifice cows and camels in a rate of one on behalf of seven to joined in it.

2808- It is narrated on the authority of Jabir Ibn Abdullah that the Messenger of Allah "Allah's blessing and peace be upon him" said: "A cow is sufficient for sacrifice on behalf of seven, as well as a camel is sufficient for sacrifice on behalf of seven (to join in it)."

2809- It is narrated on the authority of Jabir Ibn Abdullah that he said: We slaughtered sacrifices while we were with the Messenger of Allah "Allah's blessing and peace be upon him" in Hudaibiyah, in which a sacrificial camel was sufficient on behalf of seven, as well as a cow on behalf of seven (to join in it).

[8] Could A Sheep Be Sacrificed On Behalf Of A Group Of People

2810- It is narrated on the authority of Jabir Ibn Abdullah that he said: I was present with the Messenger of Allah "Allah's blessing and peace be upon him" in the praying place on the day of Id Al-Adha, and when he finished from his sermon, he dismounted from the pulpit, and a ram was brought to him, which he slaughtered with his own hand and said: "In the Name of Allah, and Allah is Greater! This is (to be sacrificed) on behalf of me, and on behalf of such of my nation as has not offered sacrifice."

[9] The Imam Slaughters His Sacrifice At The Praying Place

2811- It is narrated on the authority of Ibn Umar that the Messenger of Allah "Allah's blessing and peace be upon him" used to slaughter his sacrifice at the praying place, and Ibn Umar used to do so (in imitation of his guidance).

2805 ـ حدّثنا مُسْلِمُ بنُ إبْرَاهِيمَ قالَ: حدَّثنا هِشَامُ بنُ أَبي عَبْدِ اللَّهِ الدَّسْتَوَائِيُّ وَيُقَالَ لَهُ: هِشَامُ بنُ سُنْبُرٍ، عنْ قَتَادَةَ، عنْ جُرَيِّ بنِ كُلَيْبٍ، عنْ عَلِيٍّ: «أَنَّ النَّبيَّ ﷺ نَهى أَنْ يُضَحَّى بِعَضْبَاءِ الأُذُنِ وَالْقَرْنِ».

قال أَبُو دَاوُدَ: جُرَيٌّ سَدُوسِيٌّ بَصْرِيٌّ، يقال سَمِعَ بَشِيرَ ابْنَ الخصاصِيَّةِ، لَمْ يُحدِّثْ عَنْهُ إلاَّ قَتَادَةُ.

2806 ـ حدّثنا مُسَدَّدٌ، قالَ: حدَّثنا يَحْيَى قال: حدَّثنا هِشَامٌ، عن قَتَادَةَ قالَ: «قُلْتُ يَعْني لِسَعِيدِ بنِ المُسَيَّبِ: مَا الأَعْضَبُ؟ قالَ: النِّصْفُ فَما فَوْقَهُ».

[ت7/م6، 7] ـ باب في البقر والجَزور عن كم تجزىء؟

2807 ـ حدّثنا أَحْمَدُ بنُ حَنْبَلٍ قال: حدَّثنا هُشَيْمٌ قال: حدَّثنا عَبْدُ المَلِكِ، عنْ عَطَاءٍ، عن جَابِرِ بنِ عَبْدِ اللَّهِ قال: «كُنَّا نَتَمَتَّعُ في عَهْدِ رَسُولِ اللَّهِ ﷺ نَذْبَحُ الْبَقَرَةَ عنْ سَبْعَةٍ والجَزُورَ عَنْ سَبْعَةٍ نَشْتَرِكُ فِيهَا».

2808 ـ حدّثنا مُوسَى بنُ إسْمَاعِيلَ قالَ: أخبرنا حَمَّادٌ، عنْ قَيْسٍ، عنْ عَطَاءٍ، عن جَابِرِ بنِ عَبْدِ اللَّهِ أَنَّ النَّبيَّ ﷺ قالَ: «**الْبَقَرَةُ عنْ سَبْعَةٍ وَالْجَزُورُ عنْ سَبْعَةٍ**».

2809 ـ حدّثنا الْقَعْنَبِيُّ، عن مَالِكٍ، عن أَبي الزُّبَيْرِ المَكِّيِّ، عن جَابِرِ بن عَبْدِ اللَّهِ أَنَّهُ قالَ: «نَحرْنَا مَعَ رَسُولِ اللَّهِ ﷺ بالْحُدَيْبِيَةِ الْبَدَنَةَ عن سَبْعَةٍ، وَالْبَقَرَةَ عنْ سَبْعَةٍ».

[ت8/م7 ، 8] ـ باب في الشاة يضحَّى بها عن جماعة

2810 ـ حدّثنا قُتَيْبَةُ بنُ سَعِيدٍ، قالَ: حدَّثنا يَعْقُوبُ ـ يَعْنِي الإسْكَنْدَرَانِيَّ ـ، عن عَمْرٍو، عن المُطَّلِبِ، عن جَابِرِ بن عَبْدِ اللَّهِ قال: شَهِدْتُ مَعَ رَسُولِ اللَّهِ ﷺ الأَضْحَى في المُصَلَّى، فَلَمَّا قَضَى خُطْبَتَهُ نَزَلَ مِنْ مِنْبَرِهِ وَأُتِيَ بِكَبْشٍ فَذَبَحهُ رَسُولُ اللَّهِ ﷺ بِيَدِهِ، وَقال: «**بِسْمِ اللَّهِ واللَّهُ أَكْبَرُ، هَذَا عَنِّي وَعَمَّنْ لَمْ يُضَحِّ مِنْ أُمَّتِي**».

[ت9/م8، 9] ـ باب الإمام يذبح بالمصلَّى

2811 ـ حدّثنا عُثْمَانُ بنُ أَبي شَيْبَةَ أَنَّ أَبَا أُسَامَةَ حَدَّثَهُمْ، عن أُسَامَةَ، عن نَافعٍ، عن ابنِ عُمَرَ: «أَنَّ النَّبيَّ ﷺ كَانَ يَذْبَحُ أُضْحِيَتَهُ بالمُصَلَّى»، وَكَانَ ابنُ عُمَرَ يَفْعَلُهُ.

[10] Keeping The Meat Of Sacrifice

2812- It is narrated on the authority of A'ishah that she said: A people from amongst the desert dwellers came to attend Id Al-Adha during the lifetime of the Messenger of Allah "Allah's blessing and peace be upon him", thereupon the Messenger of Allah "Allah's blessing and peace be upon him" said: "Keep for yourselves one-third (your sacrifices, or what is sufficient for your food along three days), and give in charity what remains." Some time later, it was said to the Messenger of Allah "Allah's blessing and peace be upon him": "O Messenger of Allah! The people used to utilized of their sacrifices: they used to melt fat and make water-skins from their hide." The Messenger of Allah "Allah's blessing and peace be upon him" said: "What is the matter?" (or similarly). They said: "O Messenger of Allah! You've forbidden to keep the meat of sacrifice after three (days)." On that the Messenger of Allah "Allah's blessing and peace be upon him" said: "Indeed, I forbade you to do so on account of these people who came to visit you (from the desert to attend the Id with you). But now, eat, give in charity, and keep (as much as you like)."

2813- It is narrated on the authority of Nubaishah that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "We forbade you (to save) the meat of sacrifice more than three days in order that it would be sufficient for you all to eat; and now, whilst Allah has enlarged sustenance in abundance, you could eat (as much as you can) and save (it as long as you can), and practice trade (as you like). Behold! Those days are days of eating, drinking and celebrating of Allah Almighty."

[11] The Traveler Offers Sacrifice

2814- It is narrated on the authority of Thawban that he said: The Messenger of Allah "Allah's blessing and peace be upon him" offered his sacrifice, and said to me: "O Thawban! Get the meat of this sacrifice ready (for eating)." I kept feeding him from it until we reached Medina.

[12] It Is Forbidden To Kill The Animal By Way Of Binding It And Throwing Arrows At It As If It Is A Target

2815- It is narrated on the authority of Shaddad Ibn Aws that he said: There are two things which I heard from the Messenger of Allah "Allah's blessing and peace be upon him". He said: "No doubt, Allah Almighty has decreed kindness in everything: so, when you kill, you should be kind in killing (i.e. do not start with giving strikes in the parts of body which does not lead to death); and when you slaughter, you should be kind in slaughtering, and let anyone of you make sharp his blade, and comfort his

[ت10/م9، 10] ـ باب [في] حبس لحوم الأضاحي

2812 ـ حدّثنا الْقَعْنَبِيُّ، عن مَالِكٍ، عن عَبْدِ اللَّهِ بنِ أَبي بَكْرٍ، عن عَمْرَةَ بِنْتِ عَبْدِ الرَّحْمٰنِ قالَتْ: سَمِعْتُ عَائِشَةَ تَقُولُ: دَفَّ نَاسٌ مِنْ أَهْلِ الْبَادِيَةِ حُضْرَةَ الأَضْحَى في زَمَانِ رَسُولِ اللَّهِ ﷺ: فقالَ رَسُولُ اللَّهِ ﷺ: «**ادَّخِرُوا الثُّلُثَ، وَتَصَدَّقُوا بِمَا بَقِيَ**» قالَتْ: فَلَمَّا كَانَ بَعْدَ ذَلِكَ قِيلَ لِرَسُولِ اللَّهِ ﷺ: يَا رَسُولَ اللَّهِ لَقَدْ كَانَ النَّاسُ يَنْتَفِعُونَ مِنْ ضَحَايَاهُمْ وَيَجْمُلُونَ مِنْهَا الْوَدْكَ، وَيَتَّخِذُونَ مِنْهَا الأَسْقِيَةَ، فقالَ رَسُولُ اللَّهِ ﷺ: «**وَمَا ذَاكَ؟**» أَوْ كَمَا قال، قالُوا: يَا رَسُولَ اللَّهِ نَهَيْتَ عنْ إِمْسَاكِ لُحُومِ الضَّحَايَا بَعْدَ ثَلاثٍ، فقالَ رَسُولُ اللَّهِ ﷺ: «**إِنَّمَا نَهَيْتُكُم مِنْ أَجْلِ الدَّافَّةِ الَّتِي دَفَّتْ عَلَيْكُمْ، فَكُلُوا وَتَصَدَّقُوا وَادَّخِرُوا**».

2813 ـ حدّثنا مُسَدَّدٌ: حدَّثنا يَزِيدُ بنُ زُرَيْعٍ: حدَّثنا خَالِدٌ الْحَذَّاءُ، عنْ أَبي المَلِيحِ، عن نُبَيْشَةَ قالَ: قالَ رَسُولُ اللَّهِ ﷺ: «**إِنَّا كُنَّا نَهَيْنَاكُمْ عَنْ لُحُومِهَا أَنْ تَأْكُلُوهَا فَوْقَ ثَلاَثٍ لِكَيْ تَسَعَكُم، فَقَدْ جَاءَ اللَّهُ بالسَّعَةِ، فَكُلُوا وَادَّخِرُوا وَاتَّجِرُوا، أَلاَ وَإِنَّ هَذِهِ الأَيَّامَ أَيَّامُ أَكْلٍ وَشُرْبٍ وَذِكْرِ اللَّهِ عَزَّ وَجَلَّ**».

[ت11/م10 ، 11] ـ باب في المسافر يضحي

2814 ـ حدّثنا عَبْدُ اللَّهِ بنُ مُحَمَّدٍ النُّفَيْلِيُّ: حدَّثنا حَمَّادُ بنُ خَالِدٍ الْخَيَّاطُ: حدَّثنا مُعَاوِيَةُ بنُ صَالِحٍ، عن أَبي الزَّاهِرِيَّةِ، عن جُبَيْرِ بنِ نُفَيْرٍ، عن ثَوْبَانَ قال: «ضَحَّى رَسُولُ اللَّهِ ﷺ ثُمَّ قال: «**يَا ثَوْبَانُ، أَصْلِحْ لَنَا لَحْمَ هَذِهِ الشَّاةِ**». قال: فَمَا زِلْتُ أُطْعِمُهُ مِنْهَا حَتَّى قَدِمْنَا المَدِينَةَ».

[ت12/م11، 12] ـ باب في النهي أن تصبر البهائم، والرفق بالذبيحة

2815 ـ حدّثنا مُسْلِمُ بنُ إِبْرَاهِيمَ، قال: حدَّثنا شُعْبَةُ، عن خَالِدٍ الْحَذَّاءِ، عن أَبي قِلاَبَةَ، عن أَبي الأَشْعَثِ، عن شَدَّادِ بنِ أَوْسٍ قال: خَصْلَتَانِ سَمِعْتُهُمَا مِنْ رَسُولِ اللَّهِ ﷺ: «**إِنَّ اللَّهَ كَتَبَ الإِحْسَانَ عَلَى كُلِّ شَيْءٍ، فَإِذَا قَتَلْتُمْ فَأَحْسِنُوا**» قال غَيْرُ مُسْلِم: يَقُولُ «**فَأَحْسِنُوا الْقِتْلَةَ، وَإِذَا ذَبَحْتُمْ فَأَحْسِنُوا الذَّبْحَ**

slaughtered animal (by slaying it swiftly in avoidance of pain and torment)."

2816- It is narrated on the authority of Hisham Ibn Zaid that he aid: I entered in the company of Anas into Al-Hakam Ibn Ayyub, and he saw some young men having tied a hen and went on throwing arrows at it (as if it were a target), thereupon he said: No doubt, the Messenger of Allah "Allah's blessing and peace be upon him" forbade to kill the animal by way of fixing it and throwing it with arrows.

[13] Eating The (Meat Of The) Animals Slaughtered By The People Of Scripture

2817- It is narrated on the authority of Ibn Abbas that he said: As to Allah's saying: "So eat of (meats) on which Allah's name hath been pronounced, if you have faith in His Signs… Eat not of (meats) on which Allah's name hath not been pronounced: that would be impiety" was abrogated by His saying: "The food of those of Scripture is lawful for you to eat, as well as yours is lawful for them to eat."

2818- It is narrated on the authority of Ibn Abbas that he said: Satans reveal to their devotees saying: "Eat not of whatever is slaughtered by Allah, and do eat of whatever is slaughtered by you." On that Allah Almighty revealed: "Eat not of (meats) on which Allah's name hath not been pronounced: that would be impiety."

2819- It is narrated on the authority of Ibn Abbas that he said: The Jews came to the Messenger of Allah "Allah's blessing and peace be upon him" and said: "Let's eat of whatever is slaughtered by us, and eat not of whatever is slaughtered by Allah." On that Allah Almighty revealed: "Eat not of (meats) on which Allah's name hath not been pronounced: that would be impiety."

[14] What About The Food Of Such Of The Bedouins As (Compete Each Other In) Slaying Their Camels (By Way Of Showing Off And Not Out Of Generosity)

2820- It is narrated on the authority of Ibn Abbas that he said: The Messenger of Allah "Allah's blessing and peace be upon him" forbade to get the food of such of the Bedouins as (compete each other in) slaying their camels (by way of showing off and not out of generosity).

[15] Slaughtering With The Help Of The Stone

2821- It is narrated on the authority of Abayah Ibn Rifa'ah Ibn Rafi' from his grandfather Rafi' Ibn Khadij: I said to The Prophet "Allah's

وَلْيُحِدَّ أَحَدُكُمْ شَفْرَتَهُ، وَلْيُرِحْ ذَبِيحَتَهُ».

2816 ـ حدّثنا أَبُو الْوَلِيدِ الطَّيَالِسِيُّ: حدَّثنا شُعْبَةُ، عن هِشَامِ بنِ زَيْدٍ قال: «دَخَلْتُ مَعَ أَنسٍ عَلَى الْحَكَمِ بنِ أَيُّوبَ فَرَأَى فِتْيَانًا أَوْ غِلْمَانًا قَدْ نَصَبُوا دَجَاجَةً يَرْمُونَهَا، فَقَالَ أَنَسٌ: نَهَى رَسُولُ اللَّهِ ﷺ أَنْ تُصْبَرَ الْبَهَائِمُ».

[ت13/م12، 13] ـ باب في ذبائح أهل الكتاب

2817 ـ حدّثنا أَحْمَدُ بنُ مُحَمَّدِ بنِ ثَابِتٍ الْمَرْوَزِيُّ، قال: حدَّثني عَلِيُّ بنُ حُسَيْنٍ، عنْ أَبِيهِ، عن يَزيدَ النَّحْوِيِّ، عن عِكْرِمَةَ، عن ابنِ عَبَّاسٍ قال: ﴿فَكُلُوا مِمَّا ذُكِرَ اسْمُ اللَّهِ عَلَيْهِ﴾ [الأنعام: 118] ﴿وَلَا تَأْكُلُوا مِمَّا لَمْ يُذْكَرِ اسْمُ اللَّهِ عَلَيْهِ﴾ [الأنعام: 121] فَنُسِخَ وَاسْتَثْنَى مِنْ ذَلِكَ فقالَ: ﴿وَطَعَامُ الَّذِينَ أُوتُوا الْكِتَابَ حِلٌّ لَكُمْ وَطَعَامُكُمْ حِلٌّ لَهُمْ﴾ [المائدة: 5].

2818 ـ حدّثنا مُحَمَّدُ بنُ كَثِيرٍ، قال: أخبرنا إِسْرَائِيلُ: حدَّثنا سِمَاكٌ، عن عِكْرِمَةَ، عن ابنِ عَبَّاسٍ في قَوْلِهِ: ﴿وَإِنَّ الشَّيَاطِينَ لَيُوحُونَ إِلَى أَوْلِيَائِهِمْ﴾ [الأنعام: 121] يَقُولُونَ: مَا ذَبَحَ اللَّه فَلاَ تَأْكُلُوهُ، وَمَا ذَبَحْتُمْ أَنْتُمْ فَكُلُوهُ، فَأَنْزَلَ اللَّهُ: ﴿وَلَا تَأْكُلُوا مِمَّا لَمْ يُذْكَرِ اسْمُ اللَّهِ عَلَيْهِ﴾ [الأنعام: 121].

2819 ـ حدّثنا عُثْمَانُ بنُ أَبِي شَيْبَةَ: حدَّثنا عِمْرَانُ بنُ عُيَيْنَةَ، عن عَطَاءِ بنِ السَّائِبِ، عن سَعِيدِ بنِ جُبَيْرٍ، عن ابنِ عَبَّاسٍ قال: «جَاءَتِ الْيَهُودُ إلى النَّبيِّ ﷺ فَقَالُوا: نَأْكُلُ مِمَّا قَتَلْنَا، وَلاَ نَأْكُلُ مِمَّا قَتَلَ اللَّه؟ فَأَنْزَلَ اللَّه ﴿وَلَا تَأْكُلُوا مِمَّا لَمْ يُذْكَرِ اسْمُ اللَّهِ عَلَيْهِ﴾ إلى آخِرِ الآيَةِ».

[ت14/م13، 14] ـ باب ما جاء في أَكل معاقرة الأَعراب

2820 ـ حدّثنا هَارُونُ بنُ عَبْدِ اللَّهِ، قال: حدَّثنا حَمَّادُ بنُ مُسْعَدَةَ، عن عَوْفٍ، عن أَبِي رَيْحَانَةَ، عن ابنِ عَبَّاسٍ قال: «نَهَى رَسُولُ اللَّهِ ﷺ عَنْ مُعَاقَرَةِ الأَعْرَابِ».

قال أَبُو دَاوُدَ: اسْمُ أَبِي رَيْحَانَةَ عَبْدُ اللَّهِ بنُ مَطَرٍ.

قال أَبُو دَاوُدَ: غُنْدَرٌ أَوْقَفَهُ عَلَى ابنِ عَبَّاسٍ.

[ت15/م14 ، 15] ـ باب [في] الذبيحة بالمَروة

2821 ـ حدّثنا مُسَدَّدٌ، قال: حدَّثنا أَبُو الأَحْوَصِ، قال: حدَّثنا سَعِيدُ بنُ مَسْرُوقٍ، عن عَبَايَةَ بنِ رِفَاعَةَ، عن أَبِيهِ، عن جَدِّهِ رَافِعِ بنِ خَدِيجٍ قال: أَتَيْتُ رَسُولَ

blessing and peace be upon him": "We may meet the enemies in the future and have no knives: can we slaughter the animals with the help of a stone or the side of a stick?" The Prophet "Allah's blessing and peace be upon him" said: " Make haste or be careful (in using whatever) causes blood to flow, and eat the animals if the name of Allah has been mentioned (on slaughtering them). Do not slaughter with teeth or fingernails and I will tell you why: It is because teeth are bones (which Cannot cut properly) and fingernails are the tools used by the Abyssinians (whom we should not imitate for they are infidels)." The hasty among the people hurried and slaughtered animals from the booty while the Messenger of Allah "Allah's blessing and peace be upon him" was still in the rear, and set up boiling vessels and when the Messenger of Allah "Allah's blessing and peace be upon him" passed by those earthen pots, he ordered the pots to be upset and then he distributed the animals (of the booty), regarding ten sheep as equal to one camel. At the same time, (we had gained many sheep and camels as booty, and) one of those camels fled, and since we had no horsemen (to run in its pursuit), a man threw an arrow at the camel, with which Allah stopped it. The Prophet "Allah's blessing and peace be upon him" said: "Some of these animals are like wild animals, so if you lose control over one of these animals, treat it as such."

2822- It is narrated on the authority of Safwan Ibn Muhammad (or Muhammad Ibn Safwan) that he said: I got two rabbits and slaughtered them with the help of a stone, and when I asked the Messenger of Allah "Allah's blessing and peace be upon him" (whether they were lawful for eating) he told me that they were (lawful) to eat.

2823- It is narrated on the authority of Ata' Ibn Yasar from one belonging to Banu Harithah that he was grazing a milch camel in the mountain pass of Uhud, when death approached it, and he found nothing therewith to slaughter it, thereupon he picked up a long stick, and pierced it in the knee until he caused the blood to flow from it. Then he came to the Messenger of Allah "Allah's blessing and peace be upon him" and asked him about that, thereupon he told him that it (was lawful for him) to eat.

2824- It is narrated on the authority of Adi Ibn Hatim that he said: I said to the Messenger of Allah "Allah's blessing and peace be upon him": "O Messenger of Allah! Tell me: if anyone of us catches a game and he has no knife therewith to slaughter it: is it lawful to slaughter it with the help of a stone or the side of a stick?" the Messenger of Allah "Allah's blessing and peace be upon him" said: "The main point is to cause the blood to flow with

اللَّهِ ﷺ فَقُلْتُ: يَا رَسُولَ اللَّهِ إِنَّا نَلْقَى الْعَدُوَّ غَدًا وَلَيْس مَعَنَا مُدًى أَفَنَذْبَحُ بالمَرْوَةِ وَشِقَّةِ الْعَصَا؟ فَقال رَسُولُ اللَّهِ ﷺ: «**أَرِنْ أَوِ اعْجِلْ ما أَنْهَرَ الدَّمَ وَذُكِرَ اسْمُ اللَّهِ عَلَيْهِ فَكُلُوا، مَا لَمْ يَكُنْ سِنٌّ أَوْ ظُفُرٌ وَسَأُحَدِّثُكُم عن ذَلِكَ، أَمَّا السِّنُّ فَعَظْمٌ، وَأَمَّا الظُّفرُ فَمُدَى الْحَبَشَةِ**».

وَتَقَدَّمَ بِهِ سَرْعَانٌ مِنَ النَّاسِ فَتَعَجَّلُوا فَأَصَابُوا مِنَ الْغَنَائِمِ، وَرَسُولُ اللَّهِ ﷺ في آخِرِ النَّاسِ، فَنَصَبُوا قُدُورًا، فَمَرَّ رَسُولُ اللَّهِ ﷺ بالْقُدُورِ فَأَمَرَ بِهَا فَأُكْفِئَتْ، وَقَسَمَ بَيْنَهُمْ فَعَدَلَ بَعِيرًا بِعَشْرِ شِيَاهٍ، وَنَدَّ بَعِيرٌ مِنْ إِبِلِ الْقَوْمِ وَلَمْ يَكُنْ مَعَهُمْ خَيْلٌ، فَرَمَاهُ رَجُلٌ بِسَهْمٍ فَحَبَسَهُ اللَّهُ، فقال النَّبِيُّ ﷺ: «**إِنَّ لِهَذِهِ الْبَهَائِمِ أَوَابِدَ كَأَوَابِدِ الْوَحْشِ، فَمَا فَعَلَ مِنْهَا هَذَا فَافْعَلُوا بِهِ مِثْلَ هَذَا**».

2822 ـ حدّثنا مُسَدَّدٌ، أَنَّ عَبْدَ الْوَاحِدِ بنَ زِيَادٍ وَحَمَّادًا حَدَّثَاهُم، المعنى واحد، عن عَاصِمٍ، عن الشَّعْبِيِّ، عن مُحَمَّدِ بنِ صَفْوَانَ ـ أَوْ صَفْوَانَ بنِ مُحَمَّدٍ ـ قال: «اصَّدْتُ أَرْنَبَيْنِ فَذَبَحْتُهُمَا بِمَرْوَةٍ، فَسَأَلْتُ رَسُولَ اللَّهِ ﷺ عَنْهُمَا، فَأَمَرَنِي بِأَكْلِهِمَا».

2823 ـ حدّثنا قُتَيْبَةُ بنُ سَعِيدٍ، قال: حدثنا يَعْقُوبُ، عن زَيْدِ بنِ أَسْلَمَ، عن عَطَاءِ بنِ يَسارٍ، عن رَجُلٍ مِنْ بَنِي حَارِثَةَ: «أَنَّهُ كَانَ يَرْعَى لِقْحَةً بِشِعْبٍ مِنْ شِعَابِ أُحُدٍ، فَأَخَذَهَا المَوْتُ، فَلَمْ يَجِدْ شَيْئًا يَنْحَرُهَا بِهِ، فَأَخَذَ وَتِدًا فَوَجَأَ بِهِ فِي لَبَّتِهَا حَتَّى أُهَرِيقَ دَمُهَا، ثُمَّ جَاءَ إِلى النَّبِيِّ ﷺ فَأَخْبَرَهُ بِذَلِكَ، فَأَمَرَهُ بِأَكْلِهَا».

2824 ـ حدّثنا مُوسَى بنُ إِسْمَاعِيلَ، قال: حدَّثنا حَمَّادٌ، عن سِمَاكِ بنِ حَرْبٍ، عن مُرَيِّ بنِ قَطَرِيٍّ، عن عَدِيِّ بنِ حَاتِمٍ قال: قُلْتُ: يَا رَسُولَ اللَّهِ أَرَأَيْتَ إِنَّ أَحَدَنَا أَصَابَ صَيْدًا وَلَيْسَ مَعَهُ سِكِّينٌ أَيَذْبَحُ بالمَرْوَةِ وَشِقَّةِ الْعَصَا؟

whatever you want, and mention the Name of Allah Almighty (on slaughtering it)."

[16] What About Such Of Animals As Is Killed By A Headlong Fall

2825- It is narrated on the authority of Abu Al-Ushara' from his father that he said: I said to the Messenger of Allah "Allah's blessing and peace be upon him": "O Messenger of Allah! Is it necessary to cause the blood to flow from the throat or the upper part of the breast in order to make lawful a slaughtered animal?" the Messenger of Allah "Allah's blessing and peace be upon him" said: "Even if you pierce it in the thigh (which causes the blood to flow), it would be sufficient for you (to make it lawful)."

Abu Dawud says: This is not fitting but for such as is killed by a headlong fall, or such as flees away and one looses control over it.

[17] What About The Improper Way Of Slaughtering

2826- It is narrated on the authority of both Ibn Abbas and Abu Hurairah that the Messenger of Allah "Allah's blessing and peace be upon him" forbade to slice (the animal like the slicing of) Satan, i.e. to slaughter an animal by cutting its skin apart from the jugular veins and leaving it until it dies.

[18] What Makes The (Meat Of A) Fetus Lawful To Eat

2827- It is narrated on the authority of Abu Sa'id that he said: We asked the Messenger of Allah "Allah's blessing and peace be upon him" about the fetus, thereupon he said: "Eat it if you so like." According to the narration of Musaddad, we said: "O Messenger of Allah! We slaughter a camel, a sheep or a cow and find a fetus in its belly: should we throw or eat it?" the Messenger of Allah "Allah's blessing and peace be upon him" said: "Eat it if you so like, for its meat is made lawful by such (slaughtering) as makes lawful the meat of its mother."

2828- It is narrated on the authority of Jabir Ibn Abdullah that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "The meat of a fetus is made lawful by such (slaughtering) as makes lawful the meat of its mother."

[19] What About Eating The Meat Of An Animal, Without Knowing Whether Allah's Name Is Or Is Not Mentioned On Slaughtering It

2829- It is narrated on the authority of A'ishah that they said: "O Messenger of Allah! A people, still close (in time) to the pre-Islamic period of ignorance, bring us meat and we do not know whether they have or have

فقال: «**أَمْرِ الدَّمَ بِمَا شِئْتَ، وَاذْكُرِ اسْمَ اللَّهِ عز وجل**».

[ت16/ م15، 16] ـ باب [ما جاء] في ذبيحة المتردية

2825 ـ حدّثنا أَحْمَدُ بنُ يُونُسَ، قال: حدَّثنا حَمَّادُ بنُ سَلَمَةَ، عن أَبي الْعُشَرَاءِ، عن أَبِيهِ، أَنَّهُ قال: يَا رَسُولَ اللَّهِ أَمَا تَكُونُ الذَّكَاةُ إلاَّ مِنَ اللَّبَّةِ أَوِ الْحَلْقِ؟ قالَ: فقالَ رَسُولُ اللَّهِ ﷺ: «**لَوْ طَعَنْتَ في فَخِذِهَا لأَجْزَأَ عَنْكَ**».

قال أَبُو دَاوُدَ: وهَذا لا يَصْلُحُ إلاَّ في المُتَرَدِّيَةِ وَالمُتَوَحِّشِ.

[ت17/ م16، 17] ـ باب في المبالغة في الذبح

2826 ـ حدّثنا هَنَّادُ بنُ السَّرِيِّ وَالحَسَنُ بنُ عِيسَى مَوْلَى ابنِ المُبَارَكِ، عن ابنِ المبارَكِ، عن مَعْمَرٍ، عن عَمْرِو بنِ عَبْدِ اللَّهِ، عن عِكْرِمَةَ، عن ابنِ عَبَّاسٍ ـ زَادَ ابنُ عِيسَى: وَأَبي هُرَيْرَةَ ـ قالاَ: «نَهَى رَسُولُ اللَّهِ ﷺ عنْ شَرِيطَةِ الشَّيْطَانِ».

زَادَ ابنُ عِيسَى في حَدِيثِهِ: وَهِيَ الَّتِي تُذْبَحُ فَيُقْطَعُ الْجِلْدُ، وَلاَ تُفْرَى الأَوْدَاجُ ثُمَّ تُتْرَكُ حَتَّى تَمُوتَ.

[ت18/ م17، 18] ـ باب ما جاء في ذكاة الجنين

2827 ـ حدّثنا الْقَعْنَبِيُّ، قال: حدَّثنا ابنُ المُبَارَكِ. (ح)، وحدَّثنا مُسَدَّدٌ، قال: حدَّثنا هُشَيْمٌ، عن مُجَالِدٍ، عن أَبي الْوَدَّاكِ، عن أَبِي سَعِيدٍ قال: سَأَلْتُ رَسُولَ اللَّهِ ﷺ عن الْجَنِينِ، فقالَ: «**كُلُوهُ إنْ شِئْتُمْ**»، وَقالَ مُسَدَّدٌ: قُلْنَا: يَا رَسُولَ اللَّهِ نَنْحَرُ النَّاقَةَ وَنَذْبَحُ الْبَقَرَةَ وَالشَّاةَ فَنَجِدُ في بَطْنِهَا الْجَنِينَ أَنُلْقِيهِ أَمْ نَأْكُلُهُ؟ قال: «**كُلُوهُ إنْ شِئْتُمْ فَإنَّ ذَكَاتَهُ ذَكَاةُ أُمِّهِ**».

2828 ـ حدّثنا مُحَمَّدُ بنُ يَحْيَى بنِ فَارِسَ قال: حدثني إسْحَاقَ بنُ إبْرَاهِيمَ بنِ رَاهَوَيْهِ قال: حدَّثنا عَتَّابُ بنُ بَشِيرٍ قالَ: حدَّثنا عُبَيْدُ اللَّهِ بنُ أبي زِيَادٍ الْقَدَّاحُ المَكِّيُّ، عن أَبي الزُّبَيْرِ، عن جَابِرِ بنِ عَبْدِ اللَّهِ، عن رَسُولِ اللَّهِ ﷺ قال: «**ذَكَاةُ الْجَنِينِ ذَكَاةُ أُمِّهِ**».

[ت19/ م18 ، 19] ـ باب [ما جاء] في أكل اللحم لا يُدرى أذكر اسم اللَّهِ عليه أم لا

2829 ـ حدّثنا مُوسَى بنُ إسْمَاعِيلَ، قال: حدَّثنا حَمَّادٌ. (ح)، وحدَّثنا الْقَعْنَبِيُّ، عن مَالِكٍ. (ح)، وحدثنا يُوسُفُ بنُ مُوسَى، قال: حدَّثنا سُلَيْمَانُ بنُ حَبَّانَ وَمُحَاضِرٌ ـ المعنى ـ، عن هِشَامِ بنِ عُرْوَةَ، عن أَبِيهِ، عن عَائِشَةَ، وَلَمْ يَذْكُرَا عن حَمَّادٍ وَمَالِكٍ، عن عَائِشَةَ أَنَّهُمْ قالُوا: يَا رَسُولَ اللَّهِ إنَّ قَوْمًا حَدِيثُو عَهْدٍ بِجَاهِلِيَّةٍ يَأْتُونَ بِلُحْمَانٍ، لاَ نَدْرِي

not mentioned Allah's Name on slaughtering them: should we or should we not eat of it?" the Messenger of Allah "Allah's blessing and peace be upon him" said: "Mention Allah's Name and then eat of it."

[20] What About Far' And Atirah

(the Far'ah was the first offspring of camels or sheep which the pagans used to offer as a sacrifice to their idols; and the Atirah was a sheep which was to be slaughtered during the month of Rajab)

2830- It is narrated on the authority of Nubaishah that he said: A man called the Messenger of Allah "Allah's blessing and peace be upon him" saying: "O Messenger of Allah! We used to offer (as sacrifice) a sheep in the month of Rajab during the period of ignorance: what do you order us concerning that?" he said: "Slaughter (your sacrifices) for (the sake of) Allah in any month you like to do, and be dutiful to Allah (by giving in charity) and feed (the indigent)." He further said: "O Messenger of Allah! We used to offer the first offspring of camels as sacrifice to our idols during the period of ignorance: what do you order us to do concerning that?" on that he said: "In every (herd of) grazing animals, there is such as being the first offspring, which is fed (like a babe) by (the milk of) your cattle: when it (grows up and) becomes able to carry, slaughter it and give its meat in charity (I think he said) to the wayfarers: this is good (for you)." Khalid said: I asked Abu Qilabah: "How many camels of which such a grazing herd should consist (to be fitting for that?" he said: "One hundred."

2831- It is narrated on the authority of Abu Hurairah that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "No Far' nor Atirah is binding (in Islam)."

2832- It is narrated on the authority of Sa'id that he said: As to Far' it was the first offspring of the camels, which they used to slaughter.

2833- It is narrated on the authority of A'ishah that she said: The Messenger of Allah "Allah's blessing and peace be upon him" ordered to slaughter a sheep out of every (herd consisting of) fifty.

Abu Dawud says: As to Far' it was the first offspring produced by their camels, which they used to slaughter for their idols, eat its meat and put its hide on the trees; and as to Atirah, it used to be slaughtered during the first ten days of the month of Rajab.

[...] The Book Of Aqiqah

2834- It is narrated on the authority of Umm Kurz that she said: I heard The Messenger of Allah "Allah's blessing and peace be upon him" having

أَذَكَرُوا اسْمَ اللَّهِ عَلَيْهَا أَمْ لَمْ يَذْكُرُوا، أَنَأْكُلُ مِنْهَا؟ فقالَ رَسُولُ اللَّهِ ﷺ: «**سَمُّوا اللَّه وَكُلُوا**».

[ت20/م19، 20] ـ باب في العَتِيرة

2830 ـ حدّثنا مُسَدَّدٌ. (ح)، وحدثنا نَصْرُ بنُ عَلِيٍّ، عن بِشْرِ بنِ المُفَضَّلِ، المعنَى، قال: حدثنا خَالِدٌ الْحَذَّاءُ، عن أَبي قِلاَبَةَ، عن أَبِي المَلِيح قال: قال نُبَيْشَةُ: «نَادَى رَجُلٌ رَسولَ اللَّهِ ﷺ إِنَّا كُنَّا نَعْتِرُ عَتِيرَةً في الْجَاهِلِيَّةِ في رَجَبَ، فَمَا تَأْمُرُنَا؟ قَالَ: «**اذْبَحُوا فِي أَيِّ شَهْرٍ كَانَ وَبَرُّوا اللَّه وَأَطْعِمُوا**»، قال: إِنَّا كُنَّا نُفْرِعُ فَرَعًا في الْجَاهِلِيَّةِ فَمَا تَأْمُرُنَا؟ قال: «**في كُلِّ سَائِمَةٍ فَرَعٌ تَغْذُوهُ مَاشِيَتُكَ حَتَّى إِذَا اسْتَحْمَلَ**» قال نَصْرٌ: اسْتَحْمَلَ «**لِلحَجِيجِ، ذَبَحْتَهُ فَتَصَدَّقْتَ بِلَحْمِهِ**»، قال خَالِدٌ أَحْسَبُهُ قال: «**عَلَى ابنِ السَّبِيلِ فَإِنَّ ذَلِكَ خَيْرٌ**».

قال خَالِدٌ: قَلْتُ لأَبِي قِلاَبَةَ: كَمِ السَّائِمَةُ، قال: مائَةٌ.

2831 ـ حدّثنا أَحْمَدُ بنُ عَبْدَةَ، قال: أخبرنا سُفْيَانُ، عن الزُّهْرِيِّ، عن سَعِيدٍ، عن أَبي هُرَيْرَةَ أَنَّ النَّبيَّ ﷺ قال: «**لاَ فَرَعَ وَلاَ عَتِيرَةَ**».

2832 ـ حدّثنا الْحَسَنُ بنُ عَلِيٍّ، قال: حدَّثنا عَبْدُ الرَّزَّاقِ، قال: أخبرنا مَعْمَرٌ، عن الزُّهْرِيِّ، عن سَعِيدٍ قال: «الْفَرَعُ أَوَّلُ النِّتَاجِ، كَانَ يُنْتَجُ لَهُمْ فَيَذْبَحُونَهُ».

2833 ـ حدّثنا مُوسَى بنُ إِسْمَاعِيلَ، قال: حدَّثنا حَمَّادٌ، عن عَبْدِ اللَّهِ بنِ عُثْمَانَ بنِ خُثَيْم، عن يُوسُفَ بنِ مَاهَكَ، عن حَفْصَةَ بِنْتِ عَبْدِ الرَّحْمٰنِ، عن عَائِشَةَ قالَتْ: «أَمَرَنَا رَسُولُ اللَّهِ ﷺ مِنْ كُلِّ خَمْسِينَ شَاةً شَاةٌ».

قال أَبُو دَاوُدَ: قالَ بَعْضُهُمْ: الْفَرَعُ أَوَّلُ مَا تُنْتَجُ الإِبِلُ، كَانُوا يَذْبَحُونَهُ لِطَوَاغِيتِهِمْ، ثُمَّ يَأْكُلُهُ وَيُلْقِي جِلْدَهُ عَلَى الشَّجَرِ. وَالْعَتِيرَةُ: في الْعَشْرِ الأَوَّلِ مِنْ رَجَبَ.

[ت.../م20 ، 21] ـ باب العقيقة

2834 ـ حدّثنا مُسَدَّدٌ، قال: حدَّثنا سُفْيَانُ، عن عَمْرِو بنِ دِينَارٍ، عن عَطَاءٍ، عن حَبِيبَةَ بِنْتِ مَيْسَرَةَ، عن أُمِّ كُرْزٍ الْكَعْبِيَّةِ قالَتْ: سَمِعْتُ رَسولَ اللَّهِ ﷺ

said: "Two sheep of similar age are (sufficient as Aqiqah) for a male babe, and a single sheep for a female babe."

2835- It is narrated on the authority of Umm Kurz that she said: I heard The Messenger of Allah "Allah's blessing and peace be upon him" having said: "Do not disturb the bird to leave its nestle." I further heard him having said: "Two sheep are (sufficient as Aqiqah) for a male babe, and a single sheep for a female babe; and it is of no harm to you whether they are males or females."

2836- It is narrated on the authority of Umm Kurz that she said: I heard The Messenger of Allah "Allah's blessing and peace be upon him" having said: "Two sheep of similar age are (sufficient as Aqiqah) for a male babe, and a single sheep for a female babe."

2837- It is narrated on the authority of Samurah that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "Every kid is in pledge (i.e. forbidden to intercede for his parents) for his Aqiqah (the sacrifice) that should be offered on behalf of him on the seventh day (of his birth), his head should be shaved, and he should have his head covered with blood." whenever Qatadah was asked what to do with the blood, he would say: When an Aqiqah is slaughtered, a piece of its wool should be taken, therewith to face its jugular veins, and then it should be placed over the cranium of the babe, until the blood would flow on his head as a string, and then his head should be washed and shaved.

Abu Dawud says: This narration is false, and Hammam seems to have fallen into mistake by his misconception; and it is not acted upon by anyone.

2838- It is narrated on the authority of Samurah that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "Every kid is in pledge (i.e. forbidden to intercede for his parents) for his Aqiqah (the sacrifice) that should be offered on behalf of him on the seventh day (of his birth), his head should be shaved, and he should be given a name."

Abu Dawud says: This narration is more correct, and it is further narrated on the authority of Ash'ath from Al-Hasan from the Messenger of Allah "Allah's blessing and peace be upon him".

2839- It is narrated on the authority of Salman Ibn Amir that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "With a kid, there is hair (which should be removed once he is born). So, shed blood (i.e. offer sacrifice as Aqiqah) on behalf of him, and remove harm from him (by shaving his head)."

يَقُولُ: «**عن الْغُلَامِ شَاتَانِ مُكَافِئَتَانِ وَعَنِ الْجَارِيَةِ شَاةٌ**».

قال أَبُو دَاوُدَ: سَمِعْتُ أَحْمَدَ قال: مُكَافِئَتَانِ أي مُسْتَوِيَتَانِ أَوْ مُتَقَارِبَتَانِ.

2835 ـ حدّثنا مَسَدَّدٌ، قال: حدَّثنا سُفْيَانُ، عن عُبَيْدِ اللَّهِ بنِ أبي يَزِيدَ، عن أَبِيهِ، عن سِبَاعِ بنِ ثَابِتٍ، عن أُمِّ كُرْزٍ قالَتْ: سَمِعْتُ النَّبيَّ ﷺ يَقُولُ: «**أَقِرُّوا الطَّيْرَ عَلَى مَكِنَاتِهَا**» قالَتْ: وَسَمِعْتُهُ يَقُولُ: «**عن الْغُلَامِ شَاتَانِ، وَعن الْجَارِيَةِ شَاةٌ، لاَ يَضُرُّكُمْ أَذُكْرَانًا كُنَّ أَمْ إِنَاثًا**».

2836 ـ حدّثنا مُسَدَّدٌ، قال: حدَّثنا حَمَّادُ بنُ زَيْدٍ، عن عُبَيْدِ اللَّهِ بنِ أبي يَزِيدَ، عن سِبَاعِ بنِ ثَابِتٍ، عن أُمِّ كُرْزٍ قالَتْ: قالَ رَسُولُ اللَّهِ ﷺ: «**عن الْغُلَامِ شَاتَانِ مِثْلاَنِ، وَعَنِ الْجَارِيَةِ شَاةٌ**».

قال أَبُو دَاوُدَ: هَذَا هُوَ الْحَدِيثُ، وَحَدِيثُ سُفْيَانُ وَهَمٌ.

2837 ـ حدّثنا حَفْصُ بنُ عُمَرَ النَّمَرِيُّ، قال: حدَّثنا هَمَّامٌ، قال: حدَّثنا قَتَادَةُ، عن الْحَسَنِ، عن سَمُرَةَ، عن رَسُولِ اللَّهِ ﷺ قالَ: «**كُلُّ غُلَامٍ رَهِينَةٌ بِعَقِيقَتِهِ، تُذْبَحُ عَنْهُ يَوْمَ السَّابِعِ، وَيُحْلَقُ رَأْسُهُ وَيُدَمَّى**»، فَكَانَ قَتَادَةُ إِذَا سُئِلَ عن الدَّمِ كَيْفَ يُصْنَعُ بِهِ، قالَ: إِذَا ذَبَحْتَ الْعَقِيقَةَ أَخَذْتَ مِنْهَا صُوفَةً وَاسْتَقْبَلْتَ بِهِ أَوْدَاجَهَا، ثُمَّ تُوضَعُ عَلَى يَافُوخِ الصَّبِيِّ حَتَّى يَسِيلَ عَلَى رَأْسِهِ مِثْلُ الْخَيْطِ، ثُمَّ يُغْسَلُ رَأْسُهُ بَعْدُ وَيُحْلَقُ.

قال أَبُو دَاوُدَ: هَذَا وَهَمٌ مِنْ هَمَّامٍ: وَيُدَمَّى.

قال أَبُو دَاوُدَ: خُولِفَ هَمَّامٌ فِي هَذَا الْكَلَامِ، وَهُوَ وَهَم مِنْ هَمَّامٍ وَإِنَّمَا قَالُوا: «يُسَمَّى»، فقالَ هَمَّام: «يُدَمَّى».

قال أَبُو دَاوُدَ: وَلَيْسَ يُؤْخَذُ بِهَذَا.

2838 ـ حدّثنا ابنُ الْمُثَنَّى، قال: حدَّثنا ابنُ أَبِي عَدِيٍّ، عن سَعِيدٍ، عن قَتَادَةَ، عن الْحَسَنِ، عن سَمُرَةَ بنِ جُنْدَبٍ، أَنَّ رَسُولَ اللَّهِ ﷺ قال: «**كُلُّ غُلَامٍ رَهِينَةٌ بِعَقِيقَتِهِ، تُذْبَحُ عَنْهُ يَوْمَ سَابِعِهِ وَيُحْلَقُ وَيُسَمَّى**».

قال أَبُو دَاوُدَ: وَيُسَمَّى أَصَحُّ. كَذَا قالَ سَلاَّمُ بنُ أَبِي مُطِيعٍ، عن قَتَادَةَ. وَإِيَاسُ بنُ دَغْفَلٍ، وَأَشْعَثُ، عن الْحَسَنِ قال: «**وَيُسَمَّى**»، وَرَوَاهُ أَشْعَثُ، عن الْحَسَنِ عن النَّبِيِّ ﷺ قال: «**وَيُسَمَّى**».

2839 ـ حدّثنا الْحَسَنُ بنُ عَلِيٍّ، قال: حدَّثنا عَبْدُ الرَّزَّاقِ، قال: حدَّثنا هِشَامُ بنُ حَسَّانَ، عن حَفْصَةَ بِنْتِ سِيرِينَ، عن الرَّبَابِ، عن سَلْمَانَ بنِ عَامِرٍ الضَّبِّيِّ، قالَ: قال رَسُولُ اللَّهِ ﷺ: «**مَعَ الْغُلَامِ عَقِيقَةٌ فَأَهْرِيقُوا عَنْهُ دَمًا وَأَمِيطُوا عَنْهُ الأَذَى**».

2840- It is narrated on the authority of Al-Hasan that he said: To remove harm from him is to shave his head.

2841- It is narrated on the authority of Ibn Abbas that the Messenger of Allah "Allah's blessing and peace be upon him" slaughtered Aqiqah on behalf of both Al-Hasan and Al-Husain "Allah be pleased with them" in a form of ram for each.

2842- It is narrated on the authority of Amr Ibn Shu'aib from his father from his grandfather that the Messenger of Allah "Allah's blessing and peace be upon him" was asked about Aqiqah thereupon he said: "No doubt, Allah Almighty dislikes defiance (of anyone to his parents)." It seemed as if he had aversion towards the name (Aqiqah). He further said: "He, for whom a child is born, and he likes to offer a sacrifice on behalf of him, let it be two sheep of equal age on behalf of a male, and a single sheep on behalf of a female." He was asked about Far' thereupon he said: "Far' is a fact, and if you leave it until it grows strong, and becomes, say, one-year-old, or two-year-old, and you then give it (in charity) to a widow (to utilize it), or to use it in transportation in Allah's Cause, it would be better than to slaughter it, its meat gets stuck to its hair, and you turn over your vessel, and cause its mother to be bereave of it."

2843- It is narrated on the authority of Abu Buraidah that he said: During the pre-Islamic period of ignorance, it was our habit that whenever a child was born for anyone of us, he would slaughter a sheep, and stain his head with its blood. When Allah Almighty brought Islam to us, we came to slaughter a sheep (once a child was born for anyone of us), shave his head, and stain it with saffron.

2840 ـ حدّثنا يَحيَى بنُ خَلَفٍ، قال: حدَّثنا عَبْدُ الأَعْلَى، قال: حدَّثنا هِشَامٌ، عن الْحَسَنِ أَنَّهُ كَانَ يَقُولُ: «إماطَةُ الأَذى حَلْقُ الرَّأْسِ».

2841 ـ حدّثنا أَبو مَعْمَرٍ عَبْدُ اللَّهِ بنُ عَمْرٍو، قال: حدَّثنا عَبْدُ الْوَارِثِ، قالَ: حدَّثنا أَيُّوبُ، عن عِكْرِمَةَ، عن ابنِ عَبَّاسٍ: «أَنَّ رَسُولَ اللَّهِ ﷺ عَقَّ عن الْحَسَنِ وَالْحُسَيْنِ رَضِيَ اللَّهُ عَنْهُمَا كَبْشًا كَبْشًا».

2842 ـ حدّثنا الْقَعْنَبِيُّ، قالَ: حدَّثنا دَاوُدُ بنُ قَيْسٍ، عن عَمْرِو بنِ شُعَيْبٍ، أَنَّ النَّبيَّ ﷺ. (ح)، وَحدثنا مُحَمَّدُ بنُ سُلَيْمَانَ الأَنْبَارِيُّ: حدَّثنا عَبْدُ المَلِكِ ـ يَعْني ابنَ عَمْرَو ـ، عن دَاوُدَ، عن عَمْرِو بنِ شُعَيْبٍ، عن أَبيهِ، أُرَاهُ عن جَدِّهِ قالَ: سُئِلَ رسولُ اللَّهِ ﷺ عنِ الْعَقِيقَةِ؟ فقالَ: «**لاَ يُحِبُّ اللَّهُ الْعُقُوقَ**» كَأَنَّهُ كَرِهَ الاسْمَ وَقالَ: «**مَنْ وُلِدَ لَهُ وَلَدٌ فَأَحَبَّ أَنْ يَنْسُكَ عَنْهُ فَلْيَنْسُكْ، عنِ الْغُلاَمِ شَاتَانِ مُكَافِئَتَانِ وَعن الْجَارِيَةِ شَاةٌ**». وَسُئِلَ عنِ الْفَرَعِ؟ قالَ: «**وَالْفَرَعُ حَقٌّ، وَإِنْ تَتْرُكُوهُ حَتَّى يَكُونَ بَكْرًا شُغْزُبًا ابنَ مَخَاضٍ، أَو ابنَ لَبُونٍ فَتُعْطِيَهُ أَرْمَلَةً أَوْ تَحْمِلَ عَلَيْهِ فِي سَبِيلِ اللَّهِ خَيْرٌ مِنْ أَنْ تَذْبَحَهُ فَيَلْزَقَ لَحْمُهُ بِوَبَرِهِ، وَتُكْفِىءَ إِنَاءَكَ، وَتُوَلِّهِ نَاقَتَكَ**».

2843 ـ حدّثنا أَحْمَدُ بنُ مُحَمَّدِ بنِ ثَابِتٍ، قال: حدَّثنا عَلِيُّ بنِ الْحُسَيْنِ، قال: حدَّثنا أَبِي، قال: حدثني عَبْدُ اللَّهِ بنُ بُرَيْدَةَ قال: سَمِعْتُ أَبِي بُرَيْدَةَ يَقُولُ: «كُنَّا فِي الْجَاهِلِيَّةِ إِذَا وُلِدَ لأَحَدِنَا غُلاَمٌ ذَبَحَ شَاةً وَلَطَخَ رَأْسَهُ بِدَمِهَا، فَلَمَّا جَاءَ اللَّهُ بالإِسْلاَمِ كُنَّا نَذْبَحُ شَاةً، وَنَحْلِقُ رَأْسَهُ، وَنَلْطَخُهُ بِزَعْفَرَانٍ».

(11/16) THE BOOK OF HUNTING

[1] Taking A Dog For Hunting, Guarding, Etc

2844- It is narrated on the authority of Abu Hurairah that he said: The Prophet "Allah's blessing and peace be upon him" said: "He, who takes a dog, unless it is used for guarding sheep or farms, or for hunting, (as much as) a Qirat will be daily reduced from his reward."

2845- It is narrated on the authority of Abdullah Ibn Mughaffal that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "Had the dogs been one of the sects (created by Allah, Who has never created anything in vain or by way of jesting), surely, I would have ordered that they should be killed. But anyway, kill the dark black from amongst them."

2846- It is narrated on the authority of Jabir that he said: The Messenger of Allah "Allah's blessing and peace be upon him" ordered us to kill the dogs, and we did accordingly to the extent that if a woman came from the desert having a dog with her, we would kill it. Later on, he forbade us and rather commanded us to kill only the dark black among them.

[2] What About Hunting

2847- It is narrated on the authority of Adi Ibn Hatim that he said: I said to the Messenger of Allah "Allah's blessing and peace be upon him": "O Messenger of Allah! I set off trained dogs and they catch for me (the game)." He said: "When you set off your trained dogs and you recite the name of Allah (while setting them off), then eat (the game)." I said: "Even if these (trained dogs) kill that (the game)?" He (the Prophet) said: "Even if these kill, but (on the condition) that no other dog, which you did not set off (along with your dogs), participates (in catching the game)." I said to him: "I throw a heavy featherless blunt arrow, for hunting and killing (the game)." He said: "When you throw such a featherless blunt arrow, and it pierces, then eat, but if it falls flatly (and beats the game to death), then do not eat that."

2848- It is narrated on the authority of Adi Ibn Hatim that he said: I asked The Messenger of Allah "Allah's blessing and peace be upon him" saying: "We are people who hunt with these (trained) dogs, then (what should we do)?" He (The Prophet) said: "When you set off your trained dogs having recited the name of Allah, then eat what they catch for you, even if it (the game) is killed, on the condition that (the hunting dog) has

[16/11] ـ كتاب الصيد

[ت1/م21، 22] ـ بابٌ [في] اتِّخاذ الكَلْب للصَّيْد وغيره

2844 ـ حدّثنا الْحَسَنُ بنُ عَلِيٍّ: حدَّثنا عَبْدُ الرَّزَّاقِ، قال: أخبرنا مَعْمَرٌ، عن الزُّهْرِيِّ، عنْ أبي سَلَمَةَ، عنْ أَبِي هُرَيْرَةَ، عن النَّبيِّ ﷺ قالَ: «**مَنِ اتَّخَذَ كَلْبًا إلاَّ كَلْبَ مَاشِيَةٍ أَوْ صَيْدٍ أَوْ زَرْعٍ انْتَقَصَ مِنْ أَجْرِهِ كُلَّ يَوْمٍ قِيرَاطٌ**».

2845 ـ حدّثنا مُسَدَّدٌ، قالَ: حدَّثنا يَزِيدُ، قال: حدَّثنا يُونُسُ، عن الْحَسَنِ، عنْ عَبْدِ اللَّهِ بنِ مُغَفَّلٍ، قال: قال رَسُولُ اللَّهِ ﷺ: «**لَوْلاَ أَنَّ الْكِلاَبَ أُمَّةٌ مِنَ الأُمَمِ لأَمَرْتُ بِقَتْلِهَا، فَاقْتُلُوا مِنْهَا الأَسْوَدَ الْبَهِيمَ**».

2846 ـ حدّثنا يَحْيَى بنُ خَلَفٍ: حدَّثنا أبو عَاصِمٍ، عن ابنِ جُرَيْجٍ قال: أَخبرني أبي الزُّبَيْرِ، عنْ جَابِرٍ قالَ: أَمَرَ نَبِيُّ اللَّهِ ﷺ بِقَتْلِ الْكِلاَبِ حَتَّى أَنْ كَانَتِ الْمَرْأَةُ تَقْدَمُ مِنَ الْبَادِيَةِ يَعْنِي بالْكَلْبِ فَنَقْتُلُهُ، ثُمَّ نَهَانَا عنْ قَتْلِهَا وَقالَ: «**عَلَيْكُم بالأَسْوَدِ**».

[ت2/م22 ، 23] ـ بابٌ في الصَّيْدِ

2847 ـ حدّثنا مُحَمَّدُ بنُ عِيسَى، قالَ: حدَّثنا جَرِيرٌ، عن مَنْصُورٍ، عن إِبْرَاهِيمَ، عنْ هَمام، عنْ عَدِيِّ بنِ حَاتِمٍ قال: سَأَلْتُ النَّبيَّ ﷺ قُلْتُ: إِنِّي أُرْسِلُ الْكِلاَبَ الْمُعَلَّمَةَ فَتُمْسِكُ عَلَيَّ أَفَآكُلُ؟ قال: «**إِذَا أَرْسَلْتَ الْكِلاَبَ الْمُعَلَّمَةَ وَذَكَرْتَ اسْمَ اللَّهِ فَكُلْ مِمَّا أَمْسَكْنَ عَلَيْكَ**». قُلْتُ: وَإِنْ قَتَلْنَ؟ قالَ: «**وَإِنْ قَتَلْنَ مَا لَمْ يَشْرَكْهَا كَلْبٌ لَيْسَ مِنْهَا**». قُلْتُ: أَرْمِي بالْمِعْرَاضِ فَأُصِيبُ أَفَآكُلُ؟ قالَ: «**إِذَا رَمَيْتَ بالْمِعْرَاضِ وَذَكَرْتَ اسْمَ اللَّهِ فَأَصَابَ فَخَرَقَ فَكُلْ، وَإِنْ أَصَابَ بِعَرْضِهِ فَلاَ تَأْكُلْ**».

2848 ـ حدّثنا هَنَّادُ بنُ السَّرِيِّ، قال: أخبرنا ابنُ فَضِيلٍ، عنْ بَيَانٍ، عنْ عَامِرٍ، عنْ عَدِيِّ بنِ حَاتِمٍ قال: سَأَلْتُ رَسُولَ اللَّهِ ﷺ قُلْتُ: إِنَّا نَصِيدُ بِهَذِهِ الْكِلاَبِ؟ فَقالَ لِي: «**إِذَا أَرْسَلْتَ كِلاَبَكَ الْمُعَلَّمَةَ وَذَكَرْتَ اسْمَ اللَّهِ عَلَيْهَا فَكُلْ مِمَّا أَمْسَكْنَ عَلَيْكَ وَإِنْ قَتَلَ إِلاَّ أَنْ يَأْكُلَ الْكَلْبُ، فَإِنْ أَكَلَ الْكَلْبُ فَلاَ تَأْكُلْ، فَإِنِّي**

not eaten (any portion of the game). If it has eaten (the game), then don't eat it since I fear that it might have caught it for its own self."

2849- It is narrated on the authority of Adi Ibn Hatim that he said: I asked The Messenger of Allah "Allah's blessing and peace be upon him" about hunting. He said: "When you shoot your arrow, recite the name of Allah, but it (the game) goes out of your sight for a day and you do not find it drowned in water, nor having on it but the mark of your arrow, then eat it if you wish, but if you find along with your dog another dog, and it (the game) has been killed, then don't eat, for you do not know which of the two has killed it."

2850- It is narrated on the authority of Adi Ibn Hatim that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "when your game falls into water and it is drowned, do not eat of it (for you do not know whether the water has caused it to die or your arrow)."

2851- It is narrated on the authority of Adi Ibn Hatim that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "If you have a trained dog or falcon which you set off for hunting, having mentioned Allah's Name, eat of whatever it catches for you." I asked: "Even though it has killed the game?" he said: "Even though it has killed the game for if it has eaten nothing out of it, it has indeed caught it for you."

Abu Dawud says: There is no harm if the falcon eats a portion out of it; but in case of the dog, it is undesirable; and if the dog drinks of its blood, there is no harm.

2852- It is narrated on the authority of Abu Tha'labah Al-Khushani that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said pertaining to the game caught by a dog: "If you set off your dog having mentioned Allah's Name, eat of what it catches, even though it has eaten out of it; and further eat of what you catch with your hand (with the help of a bow, an arrow, etc)."

2853- It is narrated on the authority of Adi Ibn Hatim that he said: I said to the Messenger of Allah "Allah's blessing and peace be upon him": "O Messenger of Allah! Anyone of us might shoot a game with an arrow (which disappears from his sight) thereupon he traces it for two or three days, after which he might find it dead having his arrow: should he eat it?" he said: "Let him do if he so likes. "

2854- It is narrated on the authority of Adi Ibn Hatim: I asked The Prophet "Allah's blessing and peace be upon him" about the game killed by

أَخَافُ أَنْ يَكُونَ إِنَّمَا أَمْسَكَهُ عَلَى نَفْسِهِ».

2849 ـ حدّثنا مُوسَى بنُ إِسْمَاعِيلَ، قال: حدَّثنا حَمَّادٌ، عنْ عَاصِم الأَحْوَلِ، عنِ الشَّعْبِيِّ، عنْ عَدِيِّ بنِ حَاتِمٍ، أَنَّ النَّبيَّ ﷺ قالَ: «**إِذَا رَمَيْتَ سَهْمَكَ وَذَكَرْتَ اسْمَ اللَّهِ فَوَجَدْتَهُ مِنَ الْغَدِ وَلَمْ تَجِدْهُ في مَاءٍ وَلاَ فِيهِ أَثَرٌ غَيْرَ سَهْمِكَ فَكُلْ، وَإِذَا اخْتَلَطَ بِكِلاَبِكَ كَلْبٌ مِنْ غَيْرِهَا فَلاَ تَأْكُلْ لاَ تَدْرِي لَعَلَّهُ قَتَلَهُ الَّذِي لَيْسَ مِنْهَا**».

2850 ـ حدّثنا مُحَمَّدُ بنُ يَحْيَى بنِ فَارِسٍ، قالَ: حدَّثنا أَحْمَدُ بنُ حَنْبَلٍ، قال: حدَّثنا يَحْيَى بنُ زَكَرِيَّا بنِ أَبي زَائِدَةَ، قال: أَخبرني عَاصِمُ الأَحْوَلُ، عنِ الشَّعْبِيِّ، عن عَدِيِّ بنِ حَاتِمٍ أَنَّ النَّبيَّ ﷺ قالَ: «**إِذَا وَقَعَتْ رَمِيَّتُكَ في مَاءٍ فَغَرِقَتْ فَمَاتَ فَلاَ تَأْكُلْ**».

2851 ـ حدّثنا عُثْمَانُ بنُ أَبي شَيْبَةَ، قالَ: حدَّثنا عَبْدُ اللَّهِ بنُ نُمَيْرٍ، قالَ: حدَّثنا مُجَالِدٌ، عن الشَّعْبِيِّ، عنْ عَدِيِّ بنِ حَاتِمٍ أَنَّ النَّبيَّ ﷺ قالَ: «**مَا عَلَّمْتَ مِنْ كَلْبٍ أَوْ بَازٍ ثُمَّ أَرْسَلْتَهُ وَذَكَرْتَ اسْمَ اللَّهِ فَكُلْ مِمَّا أَمْسَكَ عَلَيْكَ**». قُلْتُ: وَإِنْ قَتَلَ؟ قالَ: «**إِذَا قَتَلَهُ وَلَمْ يَأْكُلْ مِنْهُ شَيْئًا فَإِنَّمَا أَمْسَكَهُ عَلَيْكَ**».

قال أَبُو دَاوُدَ: الْبَازُ إِذَا أَكَلَ فَلاَ بَأْسَ بِهِ وَالْكَلْبُ إِذَا أَكَلَ كُرِهَ وإِنْ شَرِبَ الدَّمَ فَلاَ بَأْسَ.

2852 ـ حدّثنا مُحَمَّدُ بنُ عِيسَى، قالَ: حدَّثنا هُشَيْمٌ، قال: أَخبرنا دَاوُدُ بنُ عَمْرٍو، عنْ بُسْرِ بنِ عُبَيْدِ اللَّهِ، عن أَبي إِدْرِيسَ الْخَوْلاَنِيِّ، عنْ أَبي ثَعْلَبَةَ الْخُشَنِيِّ قالَ: قال رَسُولُ اللَّهِ ﷺ في صَيْدِ الْكَلْبِ: «**إِذَا أَرْسَلْتَ كَلْبَكَ وَذَكَرْتَ اسْمَ اللَّهِ تَعَالَى فَكُلْ، وَإِنْ أَكَلَ مِنْهُ، وَكُلْ مَا رَدَّتْ عَلَيْكَ يَدُكَ**».

2853 ـ حدّثنا الْحُسَيْنُ بنُ مُعَاذِ بنِ خُلَيْفٍ، قالَ: حدَّثنا عَبْدُ الأَعْلَى، قالَ: حدثنا دَاوُدُ، عنْ عَامِرٍ، عنْ عَدِيِّ بنِ حَاتِمٍ أَنَّهُ قالَ: يَا رَسُولَ اللَّهِ أَحَدُنَا يَرْمِي الصَّيْدَ فَيَقْتَفِي أَثَرَهُ الْيَوْمَيْنِ وَالثَّلاَثَةَ ثُمَّ يَجِدُهُ مَيِّتًا وَفِيهِ سَهْمُهُ أَيَأْكُلُ؟ قالَ: «**نَعَمْ إِنْ شَاءَ**» أَوْ قالَ: «**يَأْكُلُ إِنْ شَاءَ**».

2854 ـ حدّثنا مُحَمَّدُ بنُ كَثِيرٍ، قالَ: أَخبرنا شُعْبَةُ، عنْ عَبْدِ اللَّهِ بنِ أَبي السَّفَرِ، عن الشَّعْبِيِّ، قالَ: قال عَدِيُّ بنُ حَاتِمٍ: سَأَلْتُ النَّبيَّ ﷺ عنِ المِعْرَاضِ،

a sharp-edged piece of wood or a piece of wood provided with a sharp piece of iron used for hunting. He said: "If the game is killed with its sharp edge, eat of it, but if it is killed with its shaft, (i.e. with a hit by its broad side) then the game is unlawful (to eat) for it has been beaten to death." I asked him about my hunting dog. He replied: "If you let loose (with Allah's name) your trained dog after a game and it hunts it, you may eat it. But if the dog eats of (that game) then do not eat it because the dog has caught it for itself." I further said: "Sometimes I send my dog for hunting but find another dog with it. (What can I do with the hunted game?)" He said: "Do not eat the game for you have mentioned Allah's name only on sending your dog and not the other dog."

2855- It is narrated on the authority of Abu Tha'labah Al-Khushani that he said; I said to the Messenger of Allah "Allah's blessing and peace be upon him": "O Messenger of Allah! I hunt the game with my tamed and untamed hound. Then what is lawful for me to eat?" He said: "If you hunt something with your trained hound after mentioning Allah's Name, eat of it, and if you hunt something with your untrained hound (and get it before it dies) and slaughter it, eat of it."

2856- It is narrated on the authority of Abu Tha'labah Al-Khushani that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said to me: "O Abu Tha'labah! Eat of whatever you catch with your hand (i.e. with the help of a bow, an arrow, etc), as well as whatever is caught by your trained hound, whether it has or has not been (killed before having been) slaughtered."

2857- It is narrated on the authority of Amr Ibn Shu'aib from his father from his grandfather that a desert dweller called Abu Tha'labah said to the Messenger of Allah "Allah's blessing and peace be upon him": "O Messenger of Allah! I have trained dogs used for hunting, so, would you please give me your verdict concerning chasing with the help of them?" the Messenger of Allah "Allah's blessing and peace be upon him" said: "If you have trained hounds used for hunting, you might eat of whatever they catch for you." He asked: "Is it so even if the game is or is not slaughtered?" the Messenger of Allah "Allah's blessing and peace be upon him" said: "Yes." He asked: "Even if they eat of it?" the Messenger of Allah "Allah's blessing and peace be upon him" said: "Yes, even if they eat of it." He said: "O Messenger of Allah! Give me your religious verdict concerning (hunting with) my bow." He said: "You might eat whatever your bow gets for you." He said: "Even if it is or is not slaughtered?" the Messenger of

فَقَالَ: «**إِذَا أَصَابَ بِحَدِّهِ فَكُلْ، وإِذَا أَصَابَ بِعَرْضِهِ فَلاَ تَأْكُلْ فَإِنَّهُ وَقِيذٌ**»، فَقُلْتُ: أُرْسِلُ كَلْبِي قالَ: «**إِذَا سَمَّيْتَ فَكُلْ، وَإِلاَّ فَلاَ تَأْكُلْ وَإِنْ أَكَلَ مِنْهُ فَلاَ تَأْكُلْ فَإِنَّمَا أَمْسَكَ لِنَفْسِهِ**» فَقَالَ: أُرْسِلُ كَلْبِي فَأَجِدُ عَلَيْهِ كَلْبًا آخَرَ، فَقَالَ: «**لاَ تَأْكُلْ لأَنَّكَ إِنَّمَا سَمَّيْتَ عَلَى كَلْبِكَ**».

2855 ـ حدّثنا هَنَّادُ بنُ السَّرِيِّ، عن ابنِ المُبَارَكِ، عنْ حَيْوَةَ بنِ شُرَيْحٍ قالَ: سَمِعْتُ رَبِيعَةَ بنَ يَزِيدَ الدِّمَشْقِيَّ يَقُولُ: أخبرني أَبُو إِدْرِيسَ الْخَوْلاَنِيُّ عَائِذُ اللَّهِ قالَ: سَمِعْتُ أَبَا ثَعْلَبَةَ الْخُشَنِيَّ يَقُولُ: قُلْتُ يَا رَسُولَ اللَّهِ إِنِّي أَصِيدُ بِكَلْبِي المُعَلَّم وَبِكَلْبِي الَّذِي لَيْسَ بِمُعَلَّمٍ؟ قَالَ: «**مَا صِدْتَ بِكَلْبِكَ المُعَلَّمِ فاذْكُرِ اسْمَ اللَّهِ وَكُلْ، وَمَا اصَّدْتَ بِكَلْبِكَ الَّذِي لَيسَ بِمُعَلَّمٍ فَأَدْرَكْتَ ذَكَاتَهُ فَكُلْ**».

2856 ـ حدّثنا مُحَمَّدُ بنُ المُصَفَّى، قال: حدَّثنا مُحَمَّدُ بنُ حَرْبٍ. (ح)، وحدثنا مُحَمَّدُ بنُ المُصَفَّى، قالَ: حدَّثنا بَقِيَّةُ، عنِ الزُّبَيْدِيِّ، قال: حدَّثنا يُونُسُ بنُ سَيْفٍ، قالَ: حدَّثنا أبو إِدْرِيسَ الْخَوْلاَنِيُّ، قال: حدثني أبو ثَعْلَبَةَ الْخُشَنِيُّ قَالَ: قالَ لي رَسُولُ اللَّهِ ﷺ: «**يَا أَبَا ثَعْلَبَةَ كُلْ مَا رَدَّتْ عَلَيْكَ قَوْسُكَ وَكَلْبُكَ**». زَادَ عنِ ابنِ حَرْبٍ: «**المُعَلَّمُ وَيَدُكَ فَكُلْ ذَكِيًّا وَغيرَ ذَكِيٍّ**».

2857 ـ حدّثنا مُحَمَّدُ بنُ المِنْهَالِ الضَّرِيرُ، قالَ: حدَّثنا يَزِيدُ بنُ زُرَيْعٍ، قالَ: حدَّثنا حَبِيبٌ المُعَلِّمُ، عن عَمْرِو بنِ شُعَيْبٍ، عنْ أَبِيهِ، عن جَدِّهِ، أَنَّ أَعْرَابِيًّا يُقَالُ لَهُ أَبُو ثَعْلَبَةَ، قالَ: يَا رَسُولَ اللَّهِ إِنَّ لِي كِلاَبًا مُكَلَّبَةً، فَأَفْتِنِي في صَيْدِهَا، فَقَالَ النَّبيُّ ﷺ: «**إِنْ كَانَ لَكَ كِلاَبٌ مُكَلَّبَةٌ فَكُلْ مِمَّا أَمْسَكْنَ عَلَيْكَ**». قالَ: ذَكِيًّا أَوْ غيرَ ذَكِيٍّ؟ قالَ: «**نَعَمْ**». قالَ: فإِنْ أَكَلَ مِنْهُ؟ قال: «**وَإِنْ أَكَلَ مِنْهُ**». قالَ: يَا رَسُولَ اللَّهِ أَفْتِنِي في قَوْسِي قالَ: «**كُلْ مَا رَدَّتْ**

Allah "Allah's blessing and peace be upon him" said: "Yes." He said: "Even though the game goes out of my sight (for some time)?" the Messenger of Allah "Allah's blessing and peace be upon him" said: "Even if it (the game) disappears from you (for some time after which you find it) as long as it is not (partly) eaten, and you find in it any mark other than that of your arrow." He said: "Then, give me your religious verdict concerning the utensils of the Magians, particularly if we are forced by necessity to use it." He said to him: "You should wash it, and then you might eat in it."

[3] When A Portion Is Cut Off From A Game

2858- It is narrated on the authority of Abu Waqid that the Messenger of Allah "Allah's blessing and peace be upon him" said: "Whatever (portion) is cut off from a living animal, that portion is (as unlawful as the) dead."

[4] What About Chasing A Game

2859- It is narrated on the authority of Ibn Abbas that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "He, who always lives in the desert, has his heart hardened; and he, who is engaged in chasing the game, becomes heedless (of celebrating Allah); and he, who always is devoted to going to the ruler, becomes vulnerable to seduction."

2860- It is narrated on the authority of Abu Hurairah that the Messenger of Allah "Allah's blessing and peace be upon him" said the same, with the following addition: "And he, who adheres to the ruler puts himself to trial; and the more one becomes close to the ruler, the more he becomes far from Allah Almighty."

[...] Pertaining To The Hunted Game

2861- It is narrated on the authority of Abu Tha'labah Al-Khushani that the Messenger of Allah "Allah's blessing and peace be upon him" said: "If you shoot a game with your arrow and then you do not find it but after three nights, with your arrow still in it, eat it as long as it has not yet become rotten."

عَلَيْكَ قَوْسُكَ» قالَ: ذَكِيًّا أَوْ غَيْرَ ذَكِيٍّ؟ قال: «نعم»، قالَ: وَإِنْ تَغَيَّبَ عَنِّي؟ قَالَ: «وَإِنْ تَغَيَّبَ عَنْكَ مَا لَمْ يَصِلَّ أَوْ تَجِدَ فِيهِ أَثَرًا غَيْرَ سَهْمِكَ». قَالَ: أَفْتِنِي فِي آنِيَةِ الْمَجُوسِ إِذَا اضْطُرِرْنَا إِلَيْهَا، قالَ «اغْسِلْهَا وَكُلْ فِيهَا».

[ت3/م23، 24] ـ باب في صيد قطع منه قطعة

2858 ـ حدّثنا عُثْمَانُ بنُ أَبي شَيْبَةَ: حدَّثنا هَاشِمُ بنُ الْقَاسِمِ، قال: حدَّثنا عَبْدُ الرَّحْمٰنِ بنُ عَبْدِ اللَّهِ بنِ دِينَارٍ، عنْ زَيْدِ بنِ أَسْلَمَ، عنْ عَطَاءِ بنِ يَسَارٍ، عنْ أَبي وَاقِدٍ قالَ: قال النَّبيُّ ﷺ: «**مَا قُطِعَ مِنَ الْبَهِيمَةِ وَهِيَ حَيَّةٌ فَهِيَ مَيْتَةٌ**».

[ت4/م24 ، 25] ـ باب في اتباع الصيد

2859 ـ حدّثنا مُسَدَّدٌ، قالَ: حدَّثنا يَحْيَى، عنْ سُفْيَانَ، قالَ: حدَّثني أبو مُوسَى، عنْ وَهْبِ بنِ مُنَبِّهٍ، عن ابنِ عَبَّاسٍ، عن النَّبيِّ ﷺ وَقالَ مَرَّةً سُفْيَانُ: وَلاَ أَعْلَمُهُ إلاَّ عن النَّبيِّ ﷺ قالَ: «**مَنْ سَكَنَ الْبَادِيَةَ جَفَا، وَمَنِ اتَّبَعَ الصَّيْدَ غَفَلَ، وَمَنْ أَتَى السُّلْطَانَ ٱفْتُتِنَ**».

2860 ـ حدّثنا مُحَمَّدُ بنُ عِيسَى: حدَّثنا مُحَمَّدُ بنُ عُبَيْدٍ، حدثنا الْحَسَنُ بنُ الْحَكَمِ النَّخَعِيُّ، عن عَدِيِّ بنِ ثَابِتٍ، عن شَيْخٍ مِنَ الأَنْصَارِ، عن أَبي هُرَيْرَةَ، عن النَّبيِّ ﷺ بمعْنَى مُسَدَّدٍ قال: «**وَمَنْ لَزِمَ السُّلْطَانَ ٱفْتُتِنَ**». زَادَ «**وَمَا ازْدَادَ عَبْدٌ مِنَ السُّلْطَانِ دُنُوًّا إلاَّ ازْدَادَ مِنَ اللَّهِ بُعْدًا**».

[في الصيد]

2861 ـ حدّثنا يَحْيَى بنُ مَعِينٍ، قالَ: حدَّثنا حَمَّادُ بنُ خَالِدٍ الْخَيَّاطُ، عن مُعَاوِيَةَ بنِ صَالِحٍ، عن عَبْدِ الرَّحْمٰنِ بنِ جُبَيْرِ بنِ نُفَيْرٍ، عن أَبِيهِ، عن أَبي ثَعْلَبَةَ الْخُشَنيِّ، عن النَّبيِّ ﷺ: «**إِذَا رَمَيْتَ الصَّيْدَ فَأَدْرَكْتَهُ بَعْدَ ثَلاَثِ لَيَالٍ وَسَهْمُكَ فِيهِ فكله مَا لَمْ يُنْتِنْ**».

(12/17) THE BOOK OF BEQUESTS

[1] It Is Commanded To Make A Bequest

2862- It is narrated on the authority of Ibn Umar: The Messenger of Allah "Allah's blessing and peace be upon him" said: "No Muslim who has got anything of which he should make a bequest, has the right to spend two successive nights without his bequest being written with him."

2863- It is narrated on the authority of A'ishah that she said: The Messenger of Allah "Allah's blessing and peace be upon him" left no Dinar nor Dirham nor sheep nor camel (i.e. nothing to be inherited), nor did he make a bequest (pertaining to property).

[2] What Is Permissible For A Bequest Maker To Do In His Property

2864- It is narrated on the authority of Amir Ibn Sa'd from his father that he fell ill and was about to die as a result of that disease. The Messenger of Allah "Allah's blessing and peace be upon him" came to visit me and enquire about my health. I said: "O Allah's Apostle! I am very ill as you see. I am a rich man and have no heir except my only daughter. Shall I give two-thirds of my property in charity?" He said: "No." I said: "Shall I then give one half of it in charity?" He said: "No." I said: "Shall I then give one-third of it in charity?" He said: "O Sa'd! Give one-third (in charity); and even one-third is too much. No doubt, it is better to leave your dependents rich than to leave them poor, begging from others. Allah will reward you for whatever you spend with the intention of getting Allah's Pleasure even if it were a mouthful of food you put into your wives mouth." I said: "O Allah's Apostle! Shall I be left behind (in Mecca) after my companions go?" He said: "If you are left behind, you will be upgraded and elevated for every deed you will do with a desire to get Allah's Pleasure. I hope that you will live long so that some people will benefit by you while others will be harmed. O Allah! Please fulfill the migration of my companions and do not make them turn back on their heels. But (we feel sorry for) the unlucky Sa'd Ibn Khawlah." The Messenger of Allah "Allah's blessing and peace be upon him" lamented his death in Mecca.

[3] It Is Undesirable To Cause Harm By A Bequest

2865- It is narrated on the authority of Abu Hurairah that he said: A man came to the Messenger of Allah "Allah's blessing and peace be upon him" and said: "O Messenger of Allah! Tell me: which is the best item of charity one might give (out of his property)?" the Messenger of Allah "Allah's

[17/12] ـ كتاب الوصايا

[ت1/م1] ـ باب ما جاء فيما يؤمر به من الوصية

2862 ـ حدّثنا مُسَدَّدُ بنُ مُسَرْهَدٍ: حدَّثنا يَحْيَى بنُ سَعِيدٍ، عن عُبَيْدِ اللَّهِ، قال: حدثني نَافِعٌ، عن عَبْدِ اللَّهِ ـ يَعْنِي ابنَ عُمَرَ ـ، عن رَسُولِ اللَّهِ ﷺ قَالَ: «**مَا حَقُّ امْرِىءٍ مُسْلِمٍ لَهُ شَيْءٌ يُوْصِي فِيهِ يَبِيتُ لَيْلَتَيْنِ إلاَّ وَوَصِيَّتُهُ مَكْتُوبَةٌ عِنْدَهُ**».

2863 ـ حدّثنا مُسَدَّدٌ وَمُحَمَّدُ بنُ الْعَلاَءِ قَالاَ: حدّثنا أَبُو مُعَاوِيَةَ، عَنِ الأَعْمَشِ، عن أَبِي وَائِلٍ، عن مَسْرُوقٍ، عن عَائِشَةَ قَالَتْ: «مَا تَرَكَ رَسُولُ اللَّهِ ﷺ دِينارًا وَلاَ دِرْهَمًا وَلاَ بَعِيرًا وَلاَ شَاةً وَلاَ أَوْصَى بِشَيْءٍ».

[ت2/م2] ـ باب ما جاء فيما يجوز للموصي في ماله

2864 ـ حدّثنا عُثْمَانُ بنُ أَبِي شَيْبَةَ، وَابنُ أَبِي خَلَفٍ قَالاَ: حدَّثنا سُفْيَانُ، عن الزُّهْرِيِّ، عن عَامِرِ بنِ سَعْدٍ، عن أَبِيهِ قَالَ: «مَرِضَ مَرَضًا ـ قَالَ ابنُ أَبِي خَلَفٍ بِمَكَّةَ ثُمَّ اتَّفَقَا ـ أَشْفَى فِيهِ، فَعَادَهُ رَسُولُ اللَّهِ ﷺ فَقَالَ: يَا رَسُولَ اللَّهِ إِنَّ لِي مَالاً كَثِيرًا وَلَيْسَ يَرِثُنِي إِلاَّ ابْنَتِي أَفَأَتَصَدَّقُ بالثُّلُثَيْنِ؟ قَالَ: «**لاَ**»، قَالَ: فَبِالشَّطْرِ؟ قَالَ: «**لاَ**»، قَالَ: فَبِالثُّلُثِ قَالَ: «**الثُّلُثُ، وَالثُّلُثُ كَثِيرٌ، إِنَّكَ إِنْ تَتْرُكْ وَرَثَتَكَ أَغْنِيَاءَ خَيْرٌ مِنْ أَنْ تَدَعَهُمْ عَالَةً يَتَكَفَّفُونَ النَّاسَ، وَإِنَّكَ لَنْ تُنْفِقَ نَفَقَةً إِلاَّ أُجِرْتَ بِهَا حَتَّى اللُّقْمَةَ تَرْفَعُهَا إِلَى فِي امْرَأَتِكَ**». قُلْتُ: يَا رَسُولَ اللَّهِ أَتَخَلَّفُ عَنْ هِجْرَتِي؟ قَالَ: «**إِنَّكَ إِنْ تُخَلَّفْ بَعْدِي فَتَعْمَلُ عَمَلاً صَالِحًا تُرِيدُ بِهِ وَجْهَ اللَّهِ لاَ تَزْدَادُ بِهِ إِلاَّ رِفْعَةً وَدَرَجَةً لَعَلَّكَ أَنْ تُخَلَّفَ حَتَّى يَنْتَفِعَ بِكَ أَقْوَامٌ وَيُضَرَّ بِكَ آخَرُونَ**»، ثُمَّ قَالَ: «**اللَّهُمَّ أَمْضِ لأَصْحَابِي هِجْرَتَهُمْ وَلاَ تَرُدَّهُمْ عَلَى أَعْقَابِهِمْ، لَكِنَّ الْبَائِسَ سَعْدُ بنُ خَوْلَةَ**»، يَرْثِي لَهُ رَسُولُ اللَّهِ ﷺ أَنْ مَاتَ بِمَكَّةَ».

[ت3/م3] ـ باب ما جاء في كراهية الإضرار في الوصية

2865 ـ حدّثنا مُسَدَّدٌ، قال: حدَّثنا عَبْدُ الْوَاحِدِ بنُ زِيَادٍ، قال: حدَّثنا عُمَارَةُ بنُ الْقَعْقَاعِ، عن أَبِي زُرْعَةَ بنِ عَمْرِو بنِ جَرِيرٍ، عن أَبِي هُرَيْرَةَ قال: قَالَ رَجُلٌ لِرَسُولِ اللَّهِ ﷺ: يَا رَسُولَ اللَّهِ أَيُّ الصَّدَقَةِ أَفْضَلُ؟ قال: «**أَنْ تَصَدَّقَ وَأَنْتَ**

blessing and peace be upon him" said: "It is to give in charity while being healthy, thrifty, hoping for life (as long as you could) and fearing poverty (to afflict you), and do not wait until your soul reaches the throat (at the moment of death) and then say: My property should be given to so and so, and so and so; and surely it will be for them (by way of inheritance even though you dislike that)."

2866- It is narrated on the authority of Abu Sa'id Al-Khudri that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "To give one Dirham in charity while one is still at the affluence of his life is much better for him than to give one hundred Dirhams in charity at (the moment of) his death."

[...] Dislike of Harming the bequest

2867- It is narrated on the authority of Abu Hurairah that the Messenger of Allah "Allah's blessing and peace be upon him" said: "One might do the deeds which the people of goodness do (as long as even) sixty years, and when he (or she) makes a bequest in which he (or she) proves to be partial, his (or her) deeds would be concluded with an evil one, by which he (or she) would be admitted to the fire (of Hell)." Then, Abu Hurairah recited: "(The distribution in all cases is) after the payment of legacies and debts... and that will be the Supreme achievement." (An-Nisa 11 :13)

[4] Being Involved In A Bequest

2868- It is narrated on the authority of Abu Dharr that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said to me: "O Abu Dharr! I see that you are weak, and I love for you the same as I love for myself. So, do not (seek to) be a chief of even two persons, nor to be a guardian of the property of an orphan."

[5] Abrogating The (Commandment Of The Inheritance Of) Both Parents And Next Of Kin By A Bequest

2869- It is narrated on the authority of Ibn Abbas that he said: As to Allah's statement: "It is prescribed, when death approaches any of you, if he leave any goods, that he make a bequest to parents and next of kin, according to reasonable usage; this is due from the God-fearing", it remained as such until it was abrogated by the Holy Verse of the inheritance.

[6] What About Making A Bequest To The Heir

2870- It is narrated on the authority of Abu Umamah that he said: I heard the Messenger of Allah "Allah's blessing and peace be upon him"

صَحِيحٌ حَرِيصٌ، تَأْمُلُ الْبَقَاءَ وَتَخْشَى الْفَقْرَ وَلاَ تُمهِلْ حَتَّى إِذَا بَلَغَتِ الْحُلْقُومَ قُلْتَ: لِفُلاَنٍ كَذَا، وَلِفُلاَنٍ كَذَا، وَقَدْ كَانَ لِفُلاَنٍ».

2866 ـ حدّثنا أَحْمَدُ بنُ صَالِحٍ، قال: حدَّثنا ابنُ أَبي فُدَيْكٍ، قال: أخبرني ابنُ أَبي ذِئْبٍ، عن شُرَحْبِيلَ، عن أَبي سَعِيدٍ الْخُدْرِيِّ، أَنَّ رَسُولَ اللَّهِ ﷺ قال: **«لأَنْ يَتَصَدَّقَ الْمَرْءُ فِي حَيَاتِهِ بِدِرْهَمٍ خَيْرٌ لَهُ مِنْ أَنْ يَتَصَدَّقَ بِمِائَةِ دِرْهَمٍ عِنْدَ مَوْتِهِ»**.

[ت.../م...] ـ باب كراهية الإضرار في الوصية

2867 ـ حدّثنا عَبْدَةُ بنُ عَبْدِ اللَّهِ، قال: أخبرنا عَبْدُ الصَّمَدِ، قال: حدَّثنا نَصْرُ بنُ عَلِيٍّ الْحُدَّانِيُّ، قال: أخبرنا الأَشْعَثُ بنُ جَابِرٍ، قال: حدَّثني شَهْرُ بنُ حَوْشَبٍ أَنَّ أَبَا هُرَيْرَةَ حَدَّثَهُ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: **«إِنَّ الرَّجُلَ لَيَعْمَلُ أَوِ الْمَرْأَةُ بِطَاعَةِ اللَّهِ سِتِّينَ سَنَةً، ثُمَّ يَحْضُرُهُمَا الْمَوْتُ فَيُضَارَّانِ فِي الْوَصِيَّةِ فَتَجِبُ لَهُمَا النَّارُ»**. قَالَ: وَقَرَأَ عَلَيَّ أَبُو هُرَيْرَةَ مِنْ هَهُنَا ﴿مِنۢ بَعۡدِ وَصِيَّةٖ يُوصِينَ بِهَآ أَوۡ دَيۡنٍۚ﴾ حَتَّى بَلَغَ ﴿وَذَٰلِكَ ٱلۡفَوۡزُ ٱلۡعَظِيمُ ١٣﴾ [النساء: 11 ـ 13].

قال أَبُو دَاوُدَ: هَذَا ـ يَعْنِي الأَشْعَثَ بنَ جَابِرٍ ـ جَدُّ نَصْرِ بنِ عَلِيٍّ.

[ت4/م4] ـ باب ما جاء في الدخول في الوصايا

2868 ـ حدّثنا الْحَسَنُ بنُ عَلِيٍّ: حدَّثنا أَبُو عَبْدِ الرَّحْمَنِ الْمُقْرِي، قال: حدَّثنا سَعِيدُ بنُ أَبي أَيُّوبَ، عن عُبَيْدِ اللَّهِ بنِ أَبي جَعْفَرٍ، عن سَالِمِ بنِ أَبي سَالِمٍ الْجَيْشَانِيِّ، عن أَبِيهِ، عن أَبي ذَرٍّ قال: قَالَ لِي رَسُولُ اللَّهِ ﷺ: **«يَا أَبَا ذَرٍّ إِنِّي أَرَاكَ ضَعِيفًا وَإِنِّي أُحِبُّ لَكَ مَا أُحِبُّ لِنَفْسِي فَلاَ تَأَمَّرَنَّ عَلَى اثْنَيْنِ وَلاَ تَوَلَّيَنَّ مَالَ يَتِيمٍ»**.

قال أَبُو دَاوُدَ: تَفَرَّدَ بِهِ أَهْلُ مِصْرَ.

[ت5/م5] ـ باب ما جاء في نَسخ الوصية للوالدين والأقربين

2869 ـ حدّثنا أَحْمَدُ بنُ مُحَمَّدٍ الْمَرْوَزِيُّ: حدثني عَلِيُّ بنُ حُسَيْنِ بنِ وَاقِدٍ، عَنْ أَبِيهِ، عن يَزِيدَ النَّحْوِيِّ، عن عِكْرِمَةَ، عن ابنِ عَبَّاسٍ ﴿إِن تَرَكَ خَيۡرًا ٱلۡوَصِيَّةُ لِلۡوَٰلِدَيۡنِ وَٱلۡأَقۡرَبِينَ﴾ [البقرة: 180] فَكَانَتِ الْوَصِيَّةُ كَذَلِكَ حَتَّى نَسَخَتْهَا آيَةُ الْمِيرَاثِ.

[ت6/م6] ـ باب ما جاء في الوصية للوارث

2870 ـ حدّثنا عَبْدُ الْوَهَّابِ بنُ نَجْدَةَ، قال: حدثنا ابنُ عَيَّاشٍ، عن شُرَحْبِيلَ بنِ مُسْلِمٍ قال: سَمِعْتُ أَبَا أُمَامَةَ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: **«إِنَّ**

having said: "No doubt, Allah has given everyone having a right his own right, and thus, no bequest should be made to an heir."

[7] Mixing With The Orphan In Food

2871- It is narrated on the authority of Ibn Abbas that when Allah Almighty revealed: "Those who unjustly eat up the property of orphans, eat up a fire into their own bodies: they will soon be enduring a blazing fire" everyone who had an orphan under his guardianship hurried and separated his food and drink from those of the guardian (and his family), and thus, whenever some food was leftover (after the orphan's having his meals), it would be kept until he might eat it later, otherwise it might putrefy. This became hard upon them (the guardians), and they mentioned that to the Messenger of Allah "Allah's blessing and peace be upon him", thereupon, Allah Almighty revealed: "They ask you concerning orphans. Say: the best thing to do is what is for their good; if you mix their affairs with yours, they are your brethren." Henceforth, they mixed their food and drink with theirs.

[8] Could The Guardian Of An Orphan Have The Right To Take From His Property Fairly And Reasonably

2872- It is narrated on the authority of Amr Ibn Shu'aib from his father from his grandfather that a man came and said to the Messenger of Allah "Allah's blessing and peace be upon him": "I've an orphan under my guardianship (who has property), and I've no property (to provide sustenance for me, should I take from the property of this orphan?)" upon this the Messenger of Allah "Allah's blessing and peace be upon him" said to him: "You might take from the property of your orphan, but not wastefully, nor extravagantly, without utilizing it to invest your own, nor saving your property (from being spent) (or said nor sacrificing the property of the orphan for your own property)."

[9] When Should The State Of Orphanage Come To An End

2873- It is narrated on the authority of Ali that he said: I learnt from the Messenger of Allah "Allah's blessing and peace be upon him" his statement: "The orphanage becomes futile after one attains the age of puberty, and there is no fast to be observed until night."

[10] The Severe Punishment Of Eating The Property Of The Orphans

2874- It is narrated on the authority of Abu Hurairah: The Prophet "Allah's blessing and peace be upon him" said: "Avoid (committing) the seven great destructive sins." The people enquired: "O Allah's Apostle!

اللَّهَ قَدْ أَعْطَى كُلَّ ذِي حَقٍّ حَقَّهُ فَلاَ وَصِيَّةَ لِوَارِثٍ».

[ت7/م7] ـ باب مخالطة اليتيم في الطعام

2871 ـ حدّثنا عُثْمَانُ بنُ أبي شَيْبَةَ، قال: حدَّثنا جَرِيرٌ، عن عَطَاءٍ، عن سَعِيدِ بنِ جُبَيْرٍ، عن ابنِ عَبَّاسٍ قال: «لَمَّا أَنْزَلَ اللَّهِ عَزَّ وَجلَّ: ﴿وَلَا تَقْرَبُوا۟ مَالَ ٱلْيَتِيمِ إِلَّا بِٱلَّتِى هِىَ أَحْسَنُ﴾ [الأنعام: 152] وَ﴿إِنَّ ٱلَّذِينَ يَأْكُلُونَ أَمْوَٰلَ ٱلْيَتَـٰمَىٰ ظُلْمًا﴾ [النساء: 10] الآية، انْطَلَقَ مَنْ كَانَ عِنْدَهُ يَتِيمٌ فَعَزَلَ طَعَامَهُ مِنْ طَعَامِهِ وَشَرَابَهُ مِنْ شَرَابِهِ، فَجَعَلَ يَفْضَلُ مِنْ طَعَامِهِ فَيَحْبِسُ لَهُ حَتَّى يَأْكُلَهُ أَوْ يَفْسُدَ، فَاشْتَدَّ ذَلِكَ عَلَيْهِمْ، فَذَكَرُوا ذَلِكَ لِرَسُولِ اللَّهِ ﷺ، فَأَنْزَلَ اللَّهُ عَزَّ وَجلَّ: ﴿وَيَسْـَٔلُونَكَ عَنِ ٱلْيَتَـٰمَىٰ ۖ قُلْ إِصْلَاحٌ لَّهُمْ خَيْرٌ ۖ وَإِن تُخَالِطُوهُمْ فَإِخْوَٰنُكُمْ ۚ﴾ [البقرة: 220] فَخَلَطُوا طَعَامَهُمْ بِطَعَامِهِ وَشَرَابَهُمْ بِشَرَابِهِ».

[ت8/م8] ـ باب ما جاء فيما لولي اليتيم أن ينال من مال اليتيم

2872 ـ حدّثنا حُمَيْدُ بنُ مَسْعَدَةَ، أَنَّ خَالِدَ بنَ الْحَارِثِ، حَدَّثَهُمْ قال: حدثنا حُسَيْنٌ ـ يَعْنِي الْمُعَلِّمَ ـ، عن عَمْرِو بنِ شُعَيْبٍ، عن أَبِيهِ، عن جَدِّهِ: أَنَّ رَجُلاً أَتَى النَّبِيَّ ﷺ فَقَالَ: إِنِّي فَقِيرٌ لَيْسَ لِي شَيْءٌ وَلِيَ يَتِيمٌ، قَالَ فَقَالَ: «**كُلْ مِنْ مال يَتِيمِكَ غَيْرَ مُسْرِفٍ وَلاَ مُبَادِرٍ وَلاَ مُتَأَثِّلٍ**».

[ت9/م9] ـ باب ما جاء متى يَنْقَطِع اليُتم؟

2873 ـ حدّثنا أَحْمَدُ بنُ صَالِحٍ، قال: حدَّثنا يَحْيَى بنُ مُحَمَّدٍ الْمَدِينيُّ، قال: حدَّثنا عَبْدُ اللَّهِ بنُ خَالِدِ بنِ سَعِيدِ بنِ أبي مَرْيَمَ، عن أَبِيهِ، عن سَعِيدِ بنِ عَبْدِ الرَّحْمَنِ بنِ رُقَيْشٍ، أَنَّهُ سَمِعَ شُيُوخًا مِنْ بَنِي عَمْرِو بنِ عَوْفٍ، وَمِنْ خَالِهِ عَبْدِ اللَّهِ بنِ أَبِي أَحْمَدَ قَالَ: قَالَ عَلِيُّ بنُ أَبِي طَالِبٍ: حَفِظْتُ عن رَسُولِ اللَّهِ ﷺ: «**لاَ يُتْمَ بَعْدَ احْتِلاَمٍ وَلاَ صُمَاتَ يَوْمٍ إِلَى اللَّيْلِ**».

[ت10/م10] ـ باب ما جاء في التشديد في أكل مال اليتيم

2874 ـ حدّثنا أَحْمَدُ بنُ سَعِيدٍ الْهَمْدَانِيُّ، قال: حدَّثنا ابنُ وَهْبٍ، عن سُلَيْمَانَ بنِ بِلاَلٍ، عن ثَوْرِ بنِ زَيْدٍ، عن أَبِي الْغَيْثِ، عن أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ ﷺ قال: «**اجْتَنِبُوا السَّبْعَ الْمُوبِقَاتِ**»، قِيلَ: يَا رَسُولَ اللَّهِ وَمَا هُنَّ؟ قال:

What are they? "He said: "To associate others in worship along with Allah, to practice sorcery, to kill the soul which Allah has forbidden except for a just cause (according to Islamic law), to eat up usury, to eat up an orphan's wealth, to flee from the battlefield at the time of fighting, and to slander indiscreet believing chaste women."

2875- It is narrated on the authority of Ubaid Ibn Umair from his father, and he had a portion of companionship (with the Messenger of Allah "Allah's blessing and peace be upon him"), that one asked him: "O Messenger of Allah! What are the major sins?" he said: "They are nine..."and the rest is the same, with the addition of the following two: "To be undutiful to one's Muslim parents, and to disregard the sanctity of the Sacred House, your Qiblah while being alive and dead."

[11] The Shroud Should Be From One's Property

2876- It is narrated on the authority of Khabbab that he said: Mus'ab Ibn Umair was martyred on the day (of the holy battle) of Uhud leaving a striped woollen cloak. When we covered his head with it, his feet became naked, and when we covered his feet, his head became naked. The Messenger of Allah "Allah's blessing and peace be upon him" ordered us to cover his head with it, and put (some grass of) Idhkhir over his feet.

[12] When Something Is Granted As A Gift To Someone, Which Is Brought Back To Him By Way Of A Bequest Or Inheritance

2877- It is narrated on the authority of Abdullah Ibn Buraidah from his father that he said: A woman came to the Messenger of Allah "Allah's blessing and peace be upon him" and said: "O Messenger of Allah! I've given a slave-girl in charity to my mother, and she died." On that he said: "Allah has given you a reward for that, and restored to you the heritage." She said: "She died and a fasts of a month were due upon her: would it suffice her to observe them on her behalf?" he answered in the affirmative. She said: "She (died and) did not perform Hajj: would it be sufficient for her to perform Hajj on her behalf?" he answered in the affirmative.

[13] What About The Endowment

2878- It is narrated on the authority of Ibn Umar: Umar Ibn Al-Khattab got some land in Khaibar and he went to The Prophet "Allah's blessing and peace be upon him" to consult him about it saying: "O Messenger of Allah! I got some land in Khaibar better than which I have never had, what do you suggest for me to do with it?" The Prophet "Allah's blessing and peace be upon him" said: "If you like you can give the land as endowment and give its yield in charity." So Umar gave it in charity as an endowment on the

«الشِّرْكُ باللَّهِ، وَالسِّحْرُ، وَقَتْلُ النَّفْسِ الَّتِي حَرَّمَ اللَّهُ إلاَّ بِالْحَقِّ، وَأَكْلُ الرِّبَا، وَأَكْلُ مَالِ الْيَتِيمِ، وَالتَّوَلِّي يَوْمَ الزَّحْفِ، وَقَذْفُ الْمُحْصَنَاتِ الْغَافِلاَتِ الْمُؤْمِنَاتِ».

قال أَبُو دَاوُدَ: أَبُو الْغَيْثِ: سَالِمٌ مَوْلَى ابنِ مُطِيعٍ.

2875 ـ حدّثنا إِبْرَاهِيمُ بنُ يَعْقُوبَ الْجُوْزَجَانِيُّ، قال: حدَّثنا مُعَاذُ بنُ هَانِىءٍ، قال: أخبرنا حَرْبُ بنُ شَدَّادٍ، قال: أخبرنا يَحْيَى بنُ أَبِي كَثِيرٍ، عن عَبْدِ الْحَمِيدِ بنِ سِنَانٍ: أَخبرنا عُبَيْدُ بنُ عُمَيْرٍ، عن أَبِيهِ أَنَّهُ حَدَّثَهُ ـ وَكَانَ لَهُ صُحْبَةٌ ـ أَنَّ رَجُلاً سَأَلَهُ فقال: يَا رَسُولَ اللَّهِ مَا الْكَبَائِرُ؟ قال: **«هُنَّ تِسْعٌ»** فَذَكَرَ مَعْنَاهُ، زَادَ: **«عُقُوقُ الْوَالِدَيْنِ الْمُسْلِمَيْنِ، وَاسْتِحْلاَلُ الْبَيْتِ الْحَرَامِ قِبْلَتِكُمْ أَحْيَاءً وَأَمْوَاتًا»**.

[ت11/م11] ـ باب ما جاء في الدليل على أن الكَفَن من جميع المال

2876 ـ حدّثنا مُحَمَّدُ بنُ كَثِيرٍ، قال: أخبرنا سُفْيَانُ، عن الأَعْمَشِ، عن أَبِي وَائِلٍ، عن خَبَّابٍ قال: مُصْعَبُ بنُ عُمَيْرٍ قُتِلَ يَوْمَ أُحُدٍ وَلَمْ يَكُنْ لَهُ إلاَّ نَمِرَةٌ، كُنَّا إِذَا غَطَّيْنَا بِهَا رَأْسَهُ خَرَجَتْ رِجْلاَهُ، وَإِذَا غَطَّيْنَا رِجْلَيْهِ خَرَجَ رَأْسُهُ، فَقَالَ رَسُولُ اللَّهِ ﷺ: **«غَطُّوا بِهَا رَأْسَهُ وَاجْعَلُوا عَلَى رِجْلَيْهِ مِنَ الإِذْخِرِ»**.

[ت12/م12] ـ باب ما جاء في الرجل يَهَب الهبة ثم يوصى له بها أَو يرثها

2877 ـ حدّثنا أَحْمَدُ بنُ يُونُسَ، قال: حدَّثنا زُهَيْرٌ، قال: حدَّثنا عَبْدُ اللَّهِ بنُ عَطَاءٍ، عن عَبْدِ اللَّهِ بنِ بُرَيْدَةَ، عن أَبِيهِ بُرَيْدَةَ: أَنَّ امْرَأَةً أَتَتْ رَسُولَ اللَّهِ ﷺ فَقَالَتْ: كُنْتُ تَصَدَّقْتُ عَلَى أُمِّي بِوَلِيدَةٍ وَإِنَّهَا مَاتَتْ وَتَرَكَتْ تِلْكَ الْوَلِيدَةَ؟ قال: **«قَدْ وَجَبَ أَجْرُكِ وَرَجَعَتْ إِلَيْكِ فِي الْمِيرَاثِ»**. قَالَتْ: وَإِنَّهَا مَاتَتْ وَعَلَيْهَا صَوْمُ شَهْرٍ أَفَيُجْزِىءُ أَوْ يَقْضِي عَنْهَا أَنْ أَصُومَ عَنْهَا؟ قال: **«نَعَمْ»**، قَالَتْ: وَإِنَّهَا لَمْ تَحُجَّ أَفَيُجْزِىءُ أَوْ يَقْضِي عَنْهَا أَنْ أَحُجَّ عَنْهَا؟ قَالَ: **«نَعَمْ»**.

[ت13/م13] ـ باب ما جاء في الرجل يُوقِفُ الوقف

2878 ـ حدّثنا مُسَدَّدٌ، قال: حدَّثنا يَزِيدُ بنُ زُرَيْعٍ. (ح)، وحدَّثنا مُسَدَّدٌ، قال: حدثنا بِشْرُ بنُ الْمُفَضَّلِ. (ح)، وحدَّثنا مُسَدَّدٌ قال: أخبرنا يَحْيَى، عن ابنِ عَوْنٍ، عن نَافِعٍ، عن ابنِ عُمَرَ قَالَ: «أَصَابَ عُمَرُ أَرْضًا بِخَيْبَرَ فَأَتَى النَّبِيَّ ﷺ فَقَالَ: أَصَبْتُ أَرْضًا لَمْ أُصِبْ مَالاً قَطُّ أَنْفَسَ عِنْدِي مِنْهُ فَكَيْفَ تَأْمُرُنِي بِهِ؟ قَالَ: **«إِنْ شِئْتَ حَبَّسْتَ أَصْلَهَا وَتَصَدَّقْتَ بِهَا»**، فَتَصَدَّقَ بِهَا عُمَرُ، أَنَّهُ لاَ يُبَاعُ أَصْلُهَا وَلاَ

condition that it should neither be sold, nor given to anybody as a gift, nor be inherited. However, its yield would be given in charity to the poor people, to the Kith and kin, for manumitting slaves, in Allah's Cause, to the travellers and guests. But there would be no harm if the administrator of the endowment ate from it, according to his need, and fed others without the intention of getting wealthy from it.

2879- It is narrated on the authority of Yahya Ibn Sa'id pertaining to the endowment of Umar Ibn Al-Khattab that he said: A copy was made to me by Abd Al-Hamid Ibn Abdullah Ibn Abdullah Ibn Umar Ibn Al-Khattab, and it goes as follows: "In the Name of Allah, Most Gracious, Most Merciful: This is what Allah's servant Umar Ibn Al-Khattab has written concerning Thamgh (a piece of land facing Medina, and it was in the possession of Umar)..."and he narrated the same story of Nafi'..."and whatever fruits are produced should be assigned to the beggar and such as is short of wealth...and if its guardian likes to purchase slave for service in it by the price of its fruits, he could do." It was written by Mu'aiqib, with the witness of Abdullah Ibn Al-Arqam: "In the Name of Allah, Most Gracious, Most Merciful: This is the bequest of Allah's servant Umar Ibn Al-Khattab, the Commander of the Believers, if he is befallen by something (i.e. death): (the endowment of) both Thamgh and Sirmah Ibn Al-Akwa', and the slave therein, the hundred shares of Khaibar and their slaves, the hundred shares given to him by Muhammad "Peace e upon him" in the Valley, should be under the guardianship of Hafsah during her lifetime, and then such as of good understanding among her family, on the condition that it should neither be sold, nor purchased, and it should be spent according to what is most convenient, on the beggar, such as short of wealth, and the kith and kin. There is no harm upon the guardian to eat or feed anyone from it, or to purchase slaves from its wealth (for service in it)."

[14] Giving In Charity On Behalf Of The Dead

2880- It is narrated on the authority of Abu Hurairah that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "When anyone dies, all of his deed will cease barring three things: recurring item of charity, beneficial knowledge of which the people make use, and a righteous child to invoke good for him."

[15] When One Dies With No Bequest To Give Charity On His Behalf

2881- It is narrated on the authority of A'ishah that a woman said to the Messenger of Allah "Allah's blessing and peace be upon him": "O

يُوهَبُ وَلاَ يُورَثُ لِلْفُقَرَاءِ وَالْقُرْبَى وَالرِّقَابِ وَفِي سَبِيلِ اللَّهِ وَابْنِ السَّبِيلِ». وَزَادَ عن بِشْرٍ: «والضَّيْفِ»، ثُمَّ اتَّفَقُوا «لا جُنَاحَ عَلَى مَنْ وَلِيَهَا أَنْ يَأْكُلَ مِنْهَا بِالْمَعْرُوفِ وَيُطْعِمَ صَدِيقًا غَيْرَ مُتَمَوِّلٍ فِيهِ». زاد عن بِشْرٍ قَالَ: وَقَالَ مُحَمَّدٌ: «غَيْرَ مُتَأَثِّلٍ مَالاً».

2879 ـ حدّثنا سُلَيْمَانُ بنُ دَاوُدَ المهريُّ، قال: حدَّثنا ابنُ وَهْبٍ، قال: أخبرني اللَّيْثُ، عن يَحْيَى بنِ سَعِيدٍ، عن صَدَقَةِ عُمَرَ بنِ الْخَطَّابِ رضي اللَّهِ عنه قال: «نَسَخَهَا لِي عَبْدُ الْحَمِيدِ بنُ عَبْدُ اللَّهِ بنِ عَبْدِ اللَّهِ بنِ عُمَرَ بنِ الْخَطَّابِ: بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ هَذَا مَا كَتَبَ عَبْدِ اللَّهِ عُمَرُ فِي ثَمْغٍ فَقَصَّ مِنْ خَبَرِهِ نَحْوَ حَدِيثِ نَافِعٍ قَالَ: غَيْرَ مُتَأَثِّلٍ مَالاً، فَمَا عَفَا عَنْهُ مِنْ ثَمَرِهِ، فَهُوَ لِلسَّائِلِ وَالْمَحْرُومِ. قال: وَسَاقَ الْقِصَّةَ قَالَ: وَإِنْ شَاءَ وَلِيُّ ثَمْغٍ اشْتَرَى مِنْ ثَمَرِهِ رَقِيقًا لِعَمَلِهِ، وَكَتَبَ مُعَيْقِيبٌ، وَشَهِدَ عَبْدُ اللَّهِ بنُ الأَرْقَمِ: بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ هَذَا مَا أَوْصَى بِهِ عَبْدُ اللَّهِ عُمَرُ أَمِيرُ الْمُؤْمِنِينَ، إِنْ حَدَثَ بِهِ حَدَثٌ أَنَّ ثَمْغًا وَصِرْمَةَ بنَ الأَكْوَعِ وَالْعَبْدَ الَّذِي فِيهِ وَالْمِائَةَ سَهْمِ الَّتِي بِخَيْبَرَ وَرَقِيقَهُ الَّذِي فِيهِ وَالْمِائَةَ الَّتِي أَطْعَمَهُ مُحَمَّدٌ ﷺ بِالْوَادِي تَلِيهِ حَفْصَةُ مَا عَاشَتْ، ثُمَّ يَلِيهِ ذُو الرَّأْيِ مِنْ أَهْلِهَا أَنْ لاَ يُبَاعَ وَلاَ يُشْتَرَى يُنْفِقُهُ حَيْثُ رَأَى مِنَ السَّائِلِ وَالْمَحْرُومِ وَذِي الْقُرْبَى وَلاَ حَرَجَ عَلَى مَنْ وَلِيَهُ إِنْ أَكَلَ أَوْ آكَلَ أَوِ اشْتَرَى رَقِيقًا مِنْهُ».

[ت14/م14] ـ باب ما جاء في الصدقة عن الميت

2880 ـ حدّثنا الرَّبِيعُ بنُ سُلَيْمَانَ الْمُؤَذِّنُ، قال: حدَّثنا ابنُ وَهْبٍ، عن سُلَيْمَانَ ـ يَعْنِي ابنَ بِلاَلٍ ـ، عن الْعَلاَءِ بنِ عَبْدِ الرَّحْمَنِ، أُرَاهُ عن أَبِيهِ، عن أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «**إِذَا مَاتَ الإِنْسَانُ انْقَطَعَ عَنْهُ عَمَلُهُ إِلاَّ مِنْ ثَلاَثَةِ أَشْيَاءَ: مِنْ صَدَقَةٍ جَارِيَةٍ، أَوْ عِلْمٍ يُنْتَفَعُ بِهِ، أَوْ وَلَدٍ صَالِحٍ يَدْعُو لَهُ**».

[ت15/م15] ـ باب ما جاء فيمن مات عن غير وصية يتصدق عنه

2881 ـ حدّثنا مُوسَى بنُ إِسْمَاعِيلَ، قال: حدَّثنا حَمَّادٌ، عن هِشَامٍ، عن أَبِيهِ، عن عَائِشَةَ: أَنَّ امْرَأَةً قَالَتْ: يَا رَسُولَ اللَّهِ إِنَّ أُمِّي افْتُلِتَتْ نَفْسُهَا وَلَوْلاَ ذَلِكَ

Messenger of Allah! Death approached my mother suddenly, and had she not died suddenly, surely, she would have given in charity: is it sufficient for her to give in charity on her behalf?" he answered: "Yes, give in charity on her behalf."

2882- It is narrated on the authority of Ibn Abbas that he said: A man said to the Messenger of Allah "Allah's blessing and peace be upon him" said: "O Messenger of Allah! My mother died: would evil be averted from her if I give in charity on her behalf?" he answered in the affirmative. On that he said: "I have got a garden of date-palms, and I make you witness that I've given it in charity on her behalf."

[16] Should The Bequest Of A Pagan Be Implemented By The Heir After He Embraces Islam

2883- It is narrated on the authority of Amr Ibn Shu'aib from his father from his grandfather that Al-As Ibn Wa'il bequeathed at his death that one hundred slaves should be emancipated on his behalf. His son Hisham emancipated fifty and when Amr intended to emancipate the remaining fifty, he said: "Let me first of all ask the Messenger of Allah "Allah's blessing and peace be upon him"." He went to the Messenger of Allah "Allah's blessing and peace be upon him" and said: "O Messenger of Allah! My father bequeathed that one hundred slaves should be emancipated on his behalf, and Hisham emancipated fifty, and fifty remained due upon him: should I emancipate the remaining fifty on his behalf?" on that the Messenger of Allah "Allah's blessing and peace be upon him" said: "Had he been a Muslim, then, (the reward of) your emancipating slaves on his behalf, giving in charity on his behalf, and even performing Hajj on his behalf would have reached him."

[17] When One Dies While Being In Debt, Whose Payment Is Expected By His Creditors From The Heirs

2884- It is narrated on the authority of Jabir Ibn Abdullah that when his father died he owed a Jew thirty Wasaqs (of dates). Jabir Ibn Abdullah requested the Jew to give him respite for repaying but he refused. Jabir requested The Messenger of Allah "Allah's blessing and peace be upon him" to intercede with the Jew. The Messenger of Allah "Allah's blessing and peace be upon him" went to the Jew and asked him to accept the fruits of his trees in place of the debt but the Jew refused. The Messenger of Allah "Allah's blessing and peace be upon him" spoke to the Jew (asking him for respite), but the Jew refused to give respite (for the repayment of the debt). Then, the Messenger of Allah "Allah's blessing and peace be

لَتَصَدَّقَتْ وَأَعْطَتْ، أَفَيُجْزِىءُ أَنْ أَتَصَدَّقَ عَنْهَا؟ فَقَالَ النَّبِيُّ ﷺ: «**نَعَمْ فَتَصَدَّقِي عَنْهَا**».

2882 ـ حدّثنا أَحْمَدُ بنُ مَنِيعٍ: أَخبرنا رَوْحُ بنُ عُبَادَةَ، قال: حدَّثنا زَكَرِيَّا بنُ إِسْحَاقَ، قال: أَخبرنا عَمْرُو بنُ دِينَارٍ، عن عِكْرِمَةَ، عن ابنِ عَبَّاسٍ: «أَنَّ رَجُلاً قال: يَا رَسُولَ اللَّهِ إِنَّ أُمِّي تُوُفِّيَتْ أَفَيَنْفَعُهَا إِنْ تَصَدَّقْتُ عَنْهَا؟ قَالَ: «**نَعَمْ**»، قَالَ: فَإِنَّ لِي مَخْرَفًا، وَإِنِّي أُشْهِدُكَ أَنِّي قَدْ تَصَدَّقْتُ بِهِ عَنْهَا».

[ت16/ م16] ـ باب ما جاء في وصية الحربي يُسْلِم وليه أيلزمه أن يُنفذها

2883 ـ حدّثنا الْعَبَّاسُ بنُ الْوَلِيدِ بنِ مَزْيَدٍ، قالَ: أَخبرني أَبي، قال: حدَّثنا الأَوْزَاعِيُّ، قال: حدثني حَسَّانُ بنُ عَطِيَّةَ، عن عَمْرِو بنِ شُعَيْبٍ، عن أَبِيهِ، عن جَدِّهِ: أَنَّ الْعَاصَ بنَ وَائِلٍ أَوْصَى أَنْ يُعْتَقَ عَنْهُ مِائَةُ رَقَبَةٍ، فَأَعْتَقَ ابْنُهُ هِشَامٌ خَمْسِينَ رَقَبَةً، فَأَرَادَ ابْنُهُ عَمْرٌو أَنْ يُعْتِقَ عَنْهُ الْخَمْسِينَ الْبَاقِيَةَ، فَقَالَ: حَتَّى أَسْأَلَ رَسُولَ اللَّهِ ﷺ، فَأَتَى النَّبِيَّ ﷺ فَقَالَ: يَا رَسُولَ اللَّهِ إِنَّ أَبي أَوْصَى بِعِتْقِ مائَةِ رَقَبَةٍ، وَإِنَّ هِشَامًا أَعْتَقَ عَنْهُ خَمْسِينَ وَبَقِيَتْ عَلَيْهِ خَمْسُونَ رَقَبَةً، أَفَأُعْتِقُ عَنْهُ؟ فَقَالَ رَسُولُ اللَّهِ ﷺ: «**إِنَّهُ لَوْ كَانَ مُسْلِمًا فَأَعْتَقْتُمْ عَنْهُ، أَوْ تَصَدَّقْتُمْ عَنْهُ، أَوْ حَجَجْتُمْ عَنْهُ، بَلَغَهُ ذَلِكَ**».

[ت17/ م17] ـ باب ما جاء في الرجل يموت وعليه دين وله وفاء يَستَنْظر غرماؤه ويرفق بالوارث

2884 ـ حدّثنا مُحَمَّدُ بنُ الْعَلاَءِ، أَنَّ شُعَيْبَ بنَ إِسْحَاقَ حَدَّثَهُمْ، عن هِشَامِ بنِ عُرْوَةَ، عن وَهْبِ بنِ كَيْسَانَ، عن جَابِرِ بنِ عَبْدِ اللَّهِ أَنَّهُ أَخْبَرَهُ: «أَنَّ

upon him" entered the garden of the date-palms, wandered among the trees and told Jabir: "Pluck (the fruits) and give him his due to the full." So, he plucked the fruits for him after the departure of The Messenger of Allah "Allah's blessing and peace be upon him" and gave him his thirty Wasaqs, and twelve Wasaqs remained for him. Jabir went to The Messenger of Allah "Allah's blessing and peace be upon him" to brief him of what had happened, but he found him absent. After the Messenger of Allah "Allah's blessing and peace be upon him" had turned away, he came to him, and told him that he had fulfilled his right, and made a mention of the extra fruits which remained. The Messenger of Allah "Allah's blessing and peace be upon him" said: "Inform Umar Ibn Al-Khattab of it." When Jabir went to Umar and told him about it, Umar said: "When The Messenger of Allah "Allah's blessing and peace be upon him" walked in your garden, I was sure that Allah would definitely bless it."

أَبَاهُ تُوُفِّيَ وَتَرَكَ عَلَيْهِ ثَلاَثِينَ وَسْقًا لِرَجُلٍ مِنَ الْيَهُودِ، فَاسْتَنْظَرَهُ جَابِرٌ فَأَبَى، فَكَلَّمَ جَابِرٌ رَسُولَ اللَّهِ ﷺ أَنْ يَشْفَعَ لَهُ إِلَيْهِ، فَجَاءَ رَسُولُ اللَّهِ ﷺ فَكَلَّمَ الْيَهُودِيَّ لِيَأْخُذَ ثَمَرَ نَخْلِهِ بِالَّذِي لَهُ عَلَيْهِ، فَأَبَى عَلَيْهِ، وَكَلَّمَهُ رَسُولُ اللَّهِ ﷺ أَنْ يُنْظِرَهُ فَأَبَى» وَسَاقَ الْحَدِيثَ.

(13/18) THE BOOK OF THE OBLIGATORY SHARES OF INHERITANCE

[1] What About Instructing The People In The Obligatory Shares Of Inheritance

2885- It is narrated on the authority of Abdullah Ibn Amr Ibn Al-As that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "The essential knowledge (which is of fundamental use for the people) are of three things, and what is beyond that is supplementary: A Holy Verse (from the Qur'an) of well-established meaning, a standing (item of) sunnah, and a just and fair obligatory share of inheritance."

[2] What About Kalalah (The Deceased Who Has Neither Descendants Nor Ascendants)

2886- It is narrated on the authority of Jabir (Ibn Abdullah) that he said: I fell ill, and the Messenger of Allah "Allah's blessing and peace be upon him" and Abu Bakr came on foot to pay me a visit; and when he talked to me, I did not answer him since I was unconscious, so the Prophet "Allah's blessing and peace be upon him" asked for water from which he performed ablution and sprinkled some water over me. I came to my senses and said: "O Allah's Apostle! What do (you order me) to do? How do I dispose of my wealth since I have no heirs but my sisters?" So there was revealed at the conclusion of (the Surah of) Women: " They ask you for a legal decision. Say: Allah directs (thus) about those who leave no descendants or ascendants as heirs."

[3] When One Has No Offspring, And Has No Heirs But His Sisters

2887- It is narrated on the authority of Jabir that he said: I became seriously sick and I had seven sisters. The Messenger of Allah "Allah's blessing and peace be upon him" came to visit me and enquire about my health. He blew in my face thereupon I restored my consciousness and said to him: "O Messenger of Allah! Should I not make a bequest in favour of my sisters to inherit one-third (my property)?" he said: "Do better than that!" I asked: "Then, let it be the half?" he said: "Do better than that." Then he came out and left me, and said: "O Jabir! I do not think you will die because of this illness you are suffering; and Allah Almighty has revealed what shows clearly the portion of your sisters. He assigned two-thirds the property to them." Jabir used to say: The following statement was revealed in connection with me: " They ask you for a legal decision. Say:

[18/13] ـ كتاب الفرائض

[ت1/م1] ـ باب ما جاء في تعليم الفرائض

2885 ـ حدّثنا أَحْمَدُ بنُ عَمْرِو بنِ السَّرْحِ، قال: أَخبرنا ابنُ وَهْبٍ، قالَ: حَدَّثَنِي عَبْدُ الرَّحْمَنِ بنُ زيَادٍ، عن عَبْدِ الرَّحْمَنِ بنِ رَافِعٍ التَّنُوخِيِّ، عن عَبْدِ اللَّهِ بنِ عَمْرِو بنِ الْعَاصِ، أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «**الْعِلْمُ ثَلاَثَةٌ وَمَا سِوَى ذَلِكَ فَهُوَ فَضْلٌ: آيَةٌ مُحْكَمَةٌ، أَوْ سُنَّةٌ قَائِمَةٌ، أَوْ فَرِيضَةٌ عَادِلَةٌ**».

[ت2/م2] ـ باب في الكلالة

2886 ـ حدّثنا أَحْمَدُ بنُ حَنْبَلٍ، قال: حدَّثنا سُفْيَانُ، قال: سَمِعْتُ ابنَ الْمُنْكَدِرِ أَنَّهُ سَمِعَ جابِرًا يَقُولُ: «مَرِضْتُ فَأَتَانِي النَّبِيُّ ﷺ يَعُودُنِي هُوَ وَأَبُو بَكْرٍ مَاشِيَيْنِ، وَقَدْ أُغْمِيَ عَلَيَّ فَلَمْ أُكَلِّمْهُ فَتَوَضَّأَ وَصَبَّهُ عَلَيَّ، فَأَفَقْتُ فَقُلْتُ: يَا رَسُولَ اللَّهِ كَيْفَ أَصْنَعُ فِي مَالِي وَلِي أَخَوَاتٌ؟ قَالَ: فَنَزَلَتْ آيَةُ الْمَوَارِيثِ: ﴿يَسْتَفْتُونَكَ قُلِ ٱللَّهُ يُفْتِيكُمْ فِي ٱلْكَلَٰلَةِ﴾» [النساء: 176].

[ت3/م3] ـ باب من كان ليس له ولد لَهُ أَخوات

2887 ـ حدّثنا عُثْمَانُ بنُ أَبي شَيْبَةَ، قال: حدَّثنا كَثِيرُ بنُ هِشَامٍ، قال: حدَّثنا هِشَامٌ ـ يَعْنِي الدَّسْتَوَائِيَّ ـ، عن أَبي الزُّبَيْرِ، عن جَابِرٍ قَالَ: اشْتَكَيْتُ وَعِنْدِي سَبْعُ أَخَوَاتٍ فَدَخَلَ عَلَيَّ رَسُولُ اللَّهِ ﷺ فَنَفَخَ فِي وَجْهِي فَأَفَقْتُ فَقُلْتُ: يَا رَسُولَ اللَّهِ أَلاَ أُوْصِي لأَخَوَاتِي بِالثُّلُثِ؟ قَال: «**أَحْسِنْ**»، قُلْتُ: الشَّطْرَ؟ قَالَ: «**أَحْسِنْ**»، ثُمَّ خَرَجَ وَتَرَكَنِي فَقَالَ: «**يَا جَابِرُ لاَ أَرَاكَ مَيِّتًا مِنْ وَجَعِكَ هَذَا، وَإِنَّ اللَّهَ قَدْ أَنْزَلَ فَبَيَّنَ الَّذِي لأَخَوَاتِكَ، فَجَعَلَ لَهُنَّ الثُّلُثَيْنِ**». قال: وَكَانَ جَابِرٌ يَقُولُ: أُنْزِلَتْ فِيَّ هَذِهِ

Allah directs (thus) about those who leave no descendants or ascendants as heirs."

2888- It is narrated on the authority of Al-Bara' Ibn Azib that he said: The last statement to be revealed pertaining to the deceased who has no descendants nor ascendants is: " They ask you for a legal decision. Say: Allah directs (thus) about those who leave no descendants or ascendants as heirs."

2889- It is narrated on the authority of Al-Bara' Ibn Azib that he said: A man said to the Messenger of Allah "Allah's blessing and peace be upon him" and said: "O Messenger of Allah! What is Kalalah?" the Messenger of Allah "Allah's blessing and peace be upon him" said: "The Holy Verse (which was revealed in the) summer is sufficient for (explaining the meaning to) you." I asked Abu Ishaq: "Is he the deceased who leaves no descendants nor ascendants?" he said: "They thought so."

[4] The Heritage Of The Offspring

2890- It is narrated on the authority of Al- Huzail Ibn Shurahbil Al-Awdi: A man came to both Abu Musa and Salman Ibn Rabie'ah and asked them about (the inheritance of) a daughter, a son's daughter, and a full sister. They said: "The daughter will take a half and the sister will take the other half. (In this case, they assigned nothing to the son's daughter) If you go to Ibn Mas'ud, he will tell you the same." The man went to Ibn Mas'ud and told him of what they had said. On that Ibn Mas'ud said: "If I give the same verdict, I will go astray and will not be of the rightly-guided people. The verdict I will give in this case, will be the same as The Prophet "Allah's blessing and peace be upon him" did. That is, One-half is for the daughter, and one-sixth for the son's daughter, with the result that Both shares make two-thirds of the total property; and the rest is for the sister."

2891- It is narrated on the authority of Jabir Ibn Abdullah that he said: We set out in the company of the Messenger of Allah "Allah's blessing and peace be upon him", until when we came upon Aswaf (within the boundaries of the Sanctuary of Medina made by the Messenger of Allah "Allah's blessing and peace be upon him"), a woman (the wife of Sa'd Ibn Ar-Rabie) brought two daughters to the Messenger of Allah "Allah's blessing and peace be upon him" and said: "O Messenger of Allah! Both are the daughters of Qais Ibn Thabit (even though the right is Sa'd Ibn Ar-Rabie), who was killed when he was fighting beside you in (the holy battle of) Uhud; and their uncle usurped all of their property and heritage, and left nothing (belonging to their father) but that he took it; and it is a well-known

الآيَةُ: ﴿يَسْتَفْتُونَكَ قُلِ ٱللَّهُ يُفْتِيكُمْ فِى ٱلْكَلَٰلَةِ﴾ [النساء: 176].

2888 ـ حدّثنا مُسْلِمُ بنُ إِبْرَاهِيمَ، قالَ: حدثنا شُعْبَةُ، عن أَبي إِسْحَاقَ، عنْ الْبَرَاءِ بنِ عَازِبٍ قال: «آخِرُ آيَةٍ نَزَلَتْ فِي الْكَلاَلَةِ: ﴿يَسْتَفْتُونَكَ قُلِ ٱللَّهُ يُفْتِيكُمْ فِى ٱلْكَلَٰلَةِ﴾».

2889 ـ حدّثنا مَنْصُورُ بنُ أَبي مُزَاحِمٍ، قال: حدثنا أَبُو بَكْرٍ، عن أَبي إِسْحَاقَ، عن الْبَرَاءِ بنِ عَازِبٍ قَالَ: «جَاءَ رَجُلٌ إِلَى النَّبِيِّ ﷺ فَقَالَ: يَا رَسُولَ اللَّهِ ﴿يَسْتَفْتُونَكَ فِى ٱلْكَلَٰلَةِ﴾ فَمَا الْكَلاَلَةُ؟ قَالَ: «**تُجْزِئُكَ آيَةُ الصَّيْفِ**». فَقُلْتُ لأَبِي إِسْحَاقَ: هُوَ مَنْ مَاتَ وَلَمْ يَدَعْ وَلَدًا وَلاَ وَالِدًا؟ قَالَ: كَذَلِكَ ظَنُّوا أَنَّهُ كَذَلِكَ».

[ت4/م4] ـ باب ما جاء في ميراث الصُّلْب

2890 ـ حدّثنا عَبْدُ اللَّهِ بنُ عَامِرِ بنِ زُرَارَةَ، قال: حدَّثنا عَلِيُّ بنُ مُسْهِرٍ، عن الأَعْمَشِ، عن أَبي قَيْسٍ الأَوْدِيِّ، عن هُزَيْلِ بنِ شُرَحْبِيلَ الأَوْدِيِّ قال: «جَاءَ رَجُلٌ إِلَى أَبِي مُوسَى الأَشْعَرِيِّ وَسَلْمَانَ بنِ رَبِيعَةَ، فَسَأَلَهُمَا عن ابْنَةٍ وَابْنَةِ ابْنٍ وَأُخْتٍ لأبٍ وَأُمٍّ، فَقَالاَ: لابْنَتِهِ النِّصْفُ وَلِلأُخْتِ مِنَ الأَبِ وَالأُم النِّصْفُ، وَلَمْ يُوَرِّثَا بِنْتَ الابْنِ شَيْئًا، وَائْتِ ابنَ مَسْعُودٍ فَإِنَّهُ سَيُتَابِعُنَا، فَأَتَاهُ الرَّجُلُ، فَسَأَلَهُ، وَأَخْبَرَهُ بِقَوْلِهِمَا. فَقَالَ: لَقَدْ ضَلَلْتُ إِذًا وَمَا أَنَا مِنَ الْمُهْتَدِينَ، وَلَكِنِّي سَأَقْضِي فِيهَا بِقَضَاءِ رَسُولِ اللَّهِ ﷺ: لابْنَتِهِ النِّصْفُ، وَلابْنَةِ الابْنِ سَهْمٌ تَكْمِلَةُ الثُّلُثَيْنِ، وَمَا بَقِيَ فَلِلأُخْتِ مِنَ الأَبِ وَالأُمِّ».

2891 ـ حدّثنا مُسَدَّدٌ، قال: حدَّثنا بِشْرُ بنُ الْمُفَضَّلِ، قال: حدَّثنا عَبْدُ اللَّهِ بنُ مُحَمَّدِ بنِ عَقِيلٍ، عن جَابِرِ بنِ عَبْدِ اللَّهِ قال: خَرَجْنَا مَعَ رَسُولِ اللَّهِ ﷺ حَتَّى جِئْنَا امْرَأَةً مِنَ الأَنْصَارِ فِي الأَسْوَافِ فَجَاءَتِ الْمَرْأَةُ بِابْنَتَيْنِ لَهَا فَقَالَتْ: يَا رَسُولَ اللَّهِ هَاتَانِ بِنْتَا ثَابِتِ بنِ قَيْسٍ قُتِلَ مَعَكَ يَوْمَ أُحُدٍ وَقَدِ اسْتَفَاءَ عَمُّهُمَا مَالَهُمَا وَمِيرَاثَهُمَا كُلَّهُ وَلَمْ يَدَعْ لَهُمَا مَالاً إِلاَّ أَخَذَهُ، فَمَا تَرَى يَا رَسُولَ اللَّهِ؟ فَوَاللَّهِ لاَ تُنْكَحَانِ أَبَدًا إِلاَّ وَلَهُمَا مَالٌ. فَقَالَ

that, they would not be married (in most cases) but on account of their property." The Messenger of Allah "Allah's blessing and peace be upon him" said: "Allah will definitely decide the matter." Then, the Holy Verse of the inheritance was revealed: "Allah (thus) directs you as regards your children's (inheritance)." On that the Messenger of Allah "Allah's blessing and peace be upon him" invited the woman and her opponent (i.e. the brother of Sa'd Ibn Ar-Rabie) and said to him: "Give the daughters of Sa'd two-thirds his property, his wife one-eighth, and take the remaining portion."

Abu Dawud says: It is correct to say that those were the daughters of Sa'd Ibn Ar-Rabie, who was killed on the day of the holy battle of Uhud, but Qais Ibn Thabit was killed on the day of the battle of Yamamah.

2892- It is narrated on the authority of Jabir Ibn Abdullah that he said: The wife of Sa'd Ibn Ar-Rabie brought his two daughters to the Messenger of Allah "Allah's blessing and peace be upon him" and said: "O Messenger of Allah! Both are the daughters of Sa'd, who was killed when he was fighting beside you in (the holy battle of) Uhud..."and the rest is the same.

Abu Dawud says: This narration is more correct.

2893- It is narrated on the authority of Al-Aswad Ibn Yazid that Mu'adh (Ibn Jabal) made the sister and the daughter (of a deceased) inherit half the property each while he was the governor of Yemen; and this was during the lifetime of the Messenger of Allah "Allah's blessing and peace be upon him".

[5] The Heritage Of The Grandmother

2894- It is narrated on the authority of Qabisah Ibn Dhu'aib that he said: A grandmother came to Abu Bakr to ask for her heritage, thereupon he said: "Nothing is fixed for you (to inherit) in Allah's Book, nor have I known that there is anything for you in the sunnah of the Messenger of Allah "Allah's blessing and peace be upon him": so, go back (and give me respite) until I ask the people (about that)." When he asked the people, Al-Mughirah Ibn Shu'bah said: "I was attendant when the Messenger of Allah "Allah's blessing and peace be upon him" gave her one-sixth (the property)." Abu Bakr said: "Do you have another (to support your witness)?" Muhammad Ibn Maslamah Al-Ansari got up and said the same as Al-Mughirah Ibn Shu'bah had said, thereupon Abu Bakr decided it for her. Then, the other grandmother from the side of the father came to Umar to ask him for her heritage, thereupon he said: "I have no knowledge that you have anything (to inherit) in Allah's Book, and the judgement that was

رَسُولُ اللَّهِ ﷺ: «**يَقْضِي اللَّهُ فِي ذَلِكَ**». قَالَ: وَنَزَلَتْ سُورَةُ النِّسَاءِ: ﴿يُوصِيكُمُ اللَّهُ فِي أَوْلَادِكُمْ﴾ [النساء: 11] الآيَة. فَقَالَ رَسُولُ اللَّهِ ﷺ: «**ادْعُوا لِي الْمَرْأَةَ وَصَاحِبَهَا**» فَقَالَ لِعَمِّهِمَا: «**أَعْطِهِمَا الثُّلُثَيْنِ وَأَعْطِ أُمَّهُمَا الثُّمُنَ وَمَا بَقِيَ فَلَكَ**».

قال أَبُو دَاوُدَ: أَخْطَأَ بِشْرٌ فِيهِ، إِنَّمَا هُمَا ابْنَتَا سَعْدِ بنِ الرَّبِيعِ. وَثَابِتُ بنُ قَيْسٍ، قُتِلَ يَوْمَ الْيَمَامَةِ.

2892 ـ حدّثنا ابنُ السَّرْحِ، قال: حدَّثنا ابنُ وَهْبٍ، قال: أخبرني دَاوُدُ بنُ قَيْس وَغَيْرُهُ مِنْ أَهْلِ الْعِلْمِ عن عَبْدِ اللَّهِ بنِ مُحَمَّدِ بنِ عَقِيلٍ، عن جَابِرِ بنِ عَبْدِ اللَّهِ: «أن امْرَأَةَ سَعْدِ بنِ الرَّبِيعِ قَالَتْ: يَا رَسُولَ اللَّهِ إِنَّ سَعْدًا هَلَكَ وَتَرَكَ ابْنَتَيْنِ» وَسَاقَ نَحْوَهُ.

قال أَبُو دَاوُدَ: هٰذَا هُوَ أَصَحُّ.

2893 ـ حدّثنا مُوسَى بنُ إِسْمَاعِيلَ، قال: حدثنا أَبانُ، قال: حدثنا قَتَادَةُ، قال: حدَّثني أَبُو حَسَّانَ، عن الأَسْوَدِ بنِ يَزِيدَ: «أَنَّ مُعَاذَ بنَ جَبَلٍ وَرَّثَ أُخْتاً وَابْنَةً، فَجَعَلَ لِكُلِّ وَاحِدَةٍ مِنْهُمَا النِّصْفَ وَهُوَ بالْيَمَنِ وَنَبِيُّ اللَّهِ ﷺ يَوْمَئِذٍ حَيٌّ».

[ت5/م5] ـ باب في ميراث الجدة

2894 ـ حدّثنا الْقَعْنَبِيُّ، عن مَالِكٍ، عن ابنِ شِهَابٍ، عن عُثْمَانَ بنِ إِسْحَاقَ بنِ خَرَشَةَ، عن قَبِيصَةَ بنِ ذُؤَيْبٍ، أَنَّهُ قَالَ: «جَاءَتِ الْجَدَّةُ إِلَى أَبِي بَكْرٍ الصِّدِّيقِ رَضِيَ اللَّهُ عَنْهُ تَسْأَلُهُ مِيرَاثَهَا، فَقَالَ: مَا لَكِ فِي كِتَابِ اللَّهِ تَعَالَى شَيْءٍ، وَمَا عَلِمْتُ لَكِ فِي سُنَّةِ نَبِيِّ اللَّهِ ﷺ شَيْئًا، فَارْجِعِي حَتَّى أَسْأَلَ النَّاسَ، فَسَأَلَ النَّاسَ، فَقَالَ الْمُغِيرَةُ بنُ شُعْبَةَ: حَضَرْتُ رَسُولَ اللَّهِ ﷺ أَعْطَاهَا السُّدُسَ، فَقَالَ أَبُو بَكْرٍ: هَلْ مَعَكَ غَيْرُكَ؟ فَقَامَ مُحَمَّدُ بنُ مَسْلَمَةَ فَقَالَ مِثْلَ مَا قَالَ الْمُغِيرَةُ بنُ شُعْبَةَ، فَأَنْفَذَهُ لَهَا أَبُو بَكْر رَضِيَ اللَّهُ عَنْهُ. ثُمَّ جَاءَتِ الْجَدَّةُ الأُخْرَى إِلَى عُمَرَ بنِ الْخَطَّابِ رضي اللَّهِ عنه تَسْأَلُهُ مِيرَاثَهَا، فَقَالَ: مَا لَكِ فِي كِتَابِ اللَّهِ شَيْءٌ وَمَا

passed earlier was but in favour of another grandmother (from the side of the mother), and I'm not to add anything to the obligatory shares of inheritance. But, here it is the one-sixth: if you both join in it, let it be divided between you, and if anyone of you takes it alone, it will be for her."

2895- It is narrated on the authority of Ibn Buraidah from his father that the Messenger of Allah "Allah's blessing and peace be upon him" assigned one-sixth the property to be inherited by the grandmother, in case the mother was not living (for if the mother is living, then, she has more claim to have it as its obligatory share according to the Qur'an).

[6] The Heritage Of The Grandfather

2896- It is narrated on the authority of Imran Ibn Husain that he said: A man came to the Messenger of Allah "Allah's blessing and peace be upon him" and said: "O Messenger of Allah! My grandson died: what portion of heritage should I have from his property?" the Messenger of Allah "Allah's blessing and peace be upon him" said: "You should have one-sixth." When he turned away he turned back he invited him and said: "You have another sixth." When he turned back he invited him once again and said: "The other sixth is given to you as a gift (and not by way of obligation)."

Qatadah said: They do not know with which of the heirs he shared the heritage. However, the portion of the grandfather from the property should be at minimum of one-sixth.

2897- It is narrated on the authority of Al-Hasan that Umar asked the people: "Who among you knows the portion of the heritage given by the Messenger of Allah "Allah's blessing and peace be upon him" to the grandfather?" Ma'qil Ibn Yasar said: "I know. The Messenger of Allah "Allah's blessing and peace be upon him" gave him one-six the property as heritage." He asked him: "With which of heirs did he share the heritage?" he said: "I do not know." He said: "You do not know? Then, what significance do your statement have?"

[7] The Heritage Of The Next Male Of Kinship From The Side Of The Father

2898- It is narrated on the authority of Ibn Abbas that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "Distribute the property (of the deceased) among the holders of the obligatory shares of inheritance in accordance with the (principles stipulated in) Allah's Book, and what remains out of the obligatory shares of inheritance should go to the next male of kinship from the side of the father."

كَانَ الْقَضَاءُ الَّذِي قُضِيَ بِهِ إِلاَّ لِغَيْرِكِ وَمَا أَنَا بِزَائِدٍ فِي الْفَرَائِضِ وَلَكِنْ هُوَ ذَلِكَ السُّدُسُ، فَإِنِ اجْتَمَعْتُمَا فِيهِ فَهُوَ بَيْنَكُمَا وَأَيَّتُكُمَا مَا خَلَتْ بِهِ فَهُوَ لَهَا».

2895 ـ حدّثنا مُحَمَّدُ بنُ عَبْدِالْعَزِيزِ بنِ أَبي رِزْمَةَ، قال: أخبرني أَبِي، قال: حدَّثنا عُبَيْدُاللَّهِ أَبُو الْمُنِيبِ الْعَتَكِيُّ، عن ابنِ بُرَيْدَةَ، عن أَبِيهِ: «أَنَّ النَّبِيَّ ﷺ جَعَلَ لِلْجَدَّةِ السُّدُسَ إِذَا لَمْ تَكُنْ دُونَهَا أُمٌّ».

[ت6/م6] ـ باب ما جاء في ميراث الجد

2896 ـ حدّثنا مُحَمَّدُ بنُ كَثِيرٍ، قال: أخبرنا هَمَّامٌ، عن قَتَادَةَ، عن الْحَسَنِ، عن عِمْرَانَ بنِ حُصَيْنٍ: أَنَّ رَجُلاً أَتَى النَّبِيَّ ﷺ فقال: إِنَّ ابنَ ابْنِي مَاتَ فَمَا لِي مِنْ مِيرَاثِهِ؟ قال: **«لَكَ السُّدُسُ»**، فَلَمَّا أَدْبَرَ دَعَاهُ فَقَالَ: **«لَكَ سُدُسٌ آخَرُ»**، فَلَمَّا أَدْبَرَ دَعَاهُ فَقَالَ: **«إِنَّ السُّدُسَ الآخَرَ طُعْمَةٌ»**، قَالَ قَتَادَةُ: فَلاَ يَدْرُونَ مَعَ أَيِّ شَيْءٍ وَرَّثَهُ قَالَ قَتَادَةُ: أَقَلُّ شَيْءٍ وَرِثَ الْجَدُّ السُّدُسَ.

2897 ـ حدّثنا وَهْبُ بنُ بَقِيَّةَ، عن خَالِدٍ، عن يُونُسَ، عن الْحَسَنِ، أَنَّ عُمَرَ قال: «أَيُّكُمْ يَعْلَمُ مَا وَرَّثَ رَسُولُ اللَّهِ ﷺ الْجَدَّ؟ فقال مَعْقِلُ بنُ يَسَارٍ: أَنَا، وَرَّثَهُ رَسُولُ اللَّهِ ﷺ السُّدُسَ، قَالَ: مَعَ مَنْ؟ قَالَ: لاَ أَدْرِي، قَالَ: لاَ دَرَيْتَ فَمَا تُغْنِي إِذًا».

[ت7/م7] ـ باب في ميراث العصَبة

2898 ـ حدّثنا أَحْمَدُ بنُ صَالِحٍ وَمَخْلَدُ بنُ خَالِدٍ ـ وَهَذَا حَدِيثُ مَخْلَدٍ وَهُوَ أَشْبَعُ ـ قالاَ: حَدَّثنا عَبْدُالرَّزَّاقِ: حدَّثنا مَعْمَرٌ، عن ابنِ طَاوُس، عن أبيهِ، عن ابنِ عَبَّاسٍ قال: قَالَ رَسُولُ اللَّهِ ﷺ: **«اقْسِمِ الْمَالَ بَيْنَ أَهْلِ الْفَرَائِضِ عَلَى كِتَابِ اللَّهِ، فَمَا تَرَكَتِ الْفَرَائِضُ فَلأَوْلَى ذَكَرٍ»**.

[8] The Heritage Of The Subjects Of The Blood-Relations

2899- It is narrated on the authority of Al-Miqdam that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "He, who left dependents (or debts to be fulfilled), it should be referred to us (or to Allah and His Messenger to fulfill); and he who left property, it should go to his heirs; and I'm the heir of such as has no heir, to give the blood-wet on his behalf (if he has to give it), and inherit his property (if he dies); and the maternal uncle is the heir of such as has no heir, to give the blood-wet on his behalf (if he has to give it), and inherit his property (if he dies)."

2900- It is narrated on the authority of Al-Miqdam Al-Kindi that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "I have more claim over every faithful believer than his own self. He, who left dependents or debts to be fulfilled, it should be referred to me to fulfill; and he who left property, it should go to his heirs; and I'm the devotee of such as has no devotee, to inherit his property (if he dies) and to release his captive; and the maternal uncle is the devotee of such as has no devotee, to inherit his property (if he dies) and release his captive."

2901- It is narrated on the authority of Salih Ibn Yahya Ibn Al-Miqdam from his father from his grandfather that he said: I heard the Messenger of Allah "Allah's blessing and peace be upon him" having said: "I'm the devotee of such as has no devotee, to inherit his property (if he dies) and to release his captive; and the maternal uncle is the devotee of such as has no devotee, to inherit his property (if he dies) and release his captive."

2902- It is narrated on the authority of A'ishah that a devotee belonging to the Messenger of Allah "Allah's blessing and peace be upon him" died and left some property, but he had no offspring nor relative (of any degree). On that the Messenger of Allah "Allah's blessing and peace be upon him" said: "Give his property to anyone from the inhabitants of his village."

Abu Dawud says: This narration so Sufyan is more complete, in which the Messenger of Allah "Allah's blessing and peace be upon him" said, according to Musaddad: "Is there anyone belonging to his village?" they answered in the affirmative, thereupon he said: "Then, give his property to him."

2903- It is narrated on the authority of Abdullah Ibn Buraidah from his father that he said: A man came to the Messenger of Allah "Allah's blessing and peace be upon him" and said: "O Messenger of Allah! I have the property of one who died belonging to (the tribe of) Azd, and I could find no one belonging to Azd so that I would give it to him." The

[ت8/م8] ـ باب في ميراث ذوي الأَرحام

2899 ـ حدّثنا حَفْصُ بنُ عُمَرَ، قال: حدَّثنا شُعْبَةُ، عن بُدَيْلٍ، عن عَلِيِّ بنِ أَبي طَلْحَةَ، عن راشِدِ بنِ سَعْدٍ، عن أَبي عَامِرٍ الهَوْزَنِيِّ عَبْدِ اللَّهِ بنِ لُحَيٍّ، عن المِقْدَام قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «**مَنْ تَرَكَ كَلاًّ فَإِلَيَّ**» وَرُبَّمَا قَالَ: «**إِلَى اللَّهِ وَإِلَى رَسُولِهِ، وَمَنْ تَرَكَ مَالاً فَلِوَرَثَتِهِ، وَأَنَا وَارِثُ مَنْ لاَ وَارِثَ لَهُ، أَعْقِلُ لَهُ وَأَرِثُهُ، وَالْخَالُ وَارِثُ مَنْ لاَ وَارِثَ لَهُ، يَعْقِلُ عَنْهُ وَيَرِثُهُ**».

2900 ـ حدّثنا سُلَيْمَانُ بنُ حَرْبٍ فِي آخَرِينَ قَالُوا: حدَّثنا حَمَّادٌ، عن بُدَيْلٍ ـ يَعْنِي ابنَ مَيْسَرَةَ ـ، عن عَلِيِّ بنِ أَبي طَلْحَةَ، عن رَاشِدِ بنِ سَعْدٍ، عن أَبي عَامِرٍ الْهَوْزَنِيِّ، عن المِقْدَامِ الْكِنْدِيِّ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «**أَنَا أَوْلَى بِكُلِّ مُؤْمِنٍ مِنْ نَفْسِهِ، فَمَنْ تَرَكَ دَيْنًا أَوْ ضَيْعَةً فَإِلَيَّ، وَمَنْ تَرَكَ مَالاً فَلِوَرَثَتِهِ، وَأَنَا مَوْلَى مَنْ لاَ مَوْلَى لَهُ، أَرِثُ مَالَهُ وَأَفُكُّ عَانَهُ، وَالْخَالُ مَوْلَى مَنْ لاَ مَوْلَى لَهُ، يَرِثُ مَالَهُ وَيَفُكُّ عَانَهُ**».

قال أَبُو دَاوُدَ: الضَّيْعَةُ مَعْنَاهُ عِيَالٌ.

قال أَبُو دَاوُدَ: رَوَاهُ الزُّبَيْدِيُّ عن رَاشِدِ بنِ سَعْدٍ عن ابنِ عَائِذٍ عن المِقْدَامِ. وَرَوَاهُ مُعَاوِيَةُ بنُ صَالِحٍ عن رَاشِدٍ قَالَ سَمِعْتُ المِقْدَامَ.

2901 ـ حدّثنا عَبْدُ السَّلَامِ بنُ عَتِيقٍ الدِّمَشْقِيُّ، قال: حدَّثنا مُحَمَّدُ بنُ المُبَارَكِ، قال: حدَّثنا إِسْمَاعِيلُ بنُ عَيَّاشٍ، عن يَزِيدَ بنِ حُجْرٍ، عن صَالِحِ بنِ يَحْيَى بنِ المِقْدَامِ، عن أَبِيهِ، عن جَدِّهِ، قال: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «**أَنَا وَارِثُ مَنْ لاَ وَارِثَ لَهُ، أَفُكُّ عَانِيَهُ وَأَرِثُ مَالَهُ، وَالْخَالُ وَارِثُ مَنْ لاَ وَارِثَ لَهُ، يَفُكُّ عَانِيَهُ وَيَرِثُ مَالَهُ**».

2902 ـ حدّثنا مُسَدَّدٌ، قال: أخبرنا يَحْيَى، قال: حدَّثنا شُعْبَةُ المعنى. (ح)، وحدَّثنا عُثْمَانُ بنُ أَبي شَيْبَةَ، قال: أخبرنا وَكِيعُ بنُ الْجَرَّاحِ، عن سُفْيَانَ جَمِيعًا، عن ابنِ الأَصْبَهَانِيِّ، عن مُجَاهِدِ بنِ وَرْدَانَ، عن عُرْوَةَ، عن عَائِشَةَ رضي اللَّهُ عنها: أَنَّ مَوْلًى لِلنَّبِيِّ ﷺ مَاتَ وَتَرَكَ شَيْئًا وَلَمْ يَدَعْ وَلَدًا وَلاَ حَمِيمًا، فَقَالَ رَسُولُ اللَّهِ ﷺ: «**أَعْطُوا مِيرَاثَهُ رَجُلاً مِنْ أَهْلِ قَرْيَتِهِ**».

قال أَبُو دَاوُدَ: وحَدِيثُ سُفْيَانَ أَتَمُّ، وَقَالَ مُسَدَّدٌ قَالَ فَقَالَ النَّبِيُّ ﷺ: «**هَهُنَا أَحَدٌ مِنْ أَهْلِ أَرْضِهِ؟**» قَالُوا: نَعَمْ، قالَ: «**فَأَعْطُوهُ مِيرَاثَهُ**».

2903 ـ حدّثنا عَبْدُ اللَّهِ بنُ سَعِيدٍ الْكِنْدِيُّ، قال: حدَّثنا الْمُحَارِبِيُّ، عن جِبْرِيلَ بنِ أَحْمَرَ، عن عَبْدِ اللَّهِ بنِ بُرَيْدَةَ، عن أَبِيهِ قال: أَتَى رَسُولَ اللَّهِ ﷺ رَجُلٌ فَقَالَ: إِنَّ عِنْدِي مِيرَاثَ رَجُلٍ مِنَ الأَزْدِ وَلَسْتُ أَجِدُ أَزْدِيًّا أَدْفَعُهُ إِلَيْهِ، قَالَ: «**اذْهَبْ فَالْتَمِسْ أَزْدِيًّا**

Messenger of Allah "Allah's blessing and peace be upon him" said: "Go and keep looking for one belonging to the Azd for a year." A year later he came to him and said: "O Messenger of Allah! I have found none belonging to the (tribe of) Azd so that I would give it to him." He said: "Then, go and give it to the first one belonging to (the tribe of) Khuza'ah you meet." When the man turned back he invited him and said: "Give it to the one who is the closest to his higher grandfather, through fathers less in number, from amongst the remaining of his clan of Khuza'ah."

2904- It is narrated on the authority of Ibn Buraidah from his father that he said: A man belonging to the tribe of Khuza'ah, and his property was brought to the Messenger of Allah "Allah's blessing and peace be upon him", who said: "Search for an heir or anyone having blood-relation with him." But they found no heir nor one having blood-relation with him. On that the Messenger of Allah "Allah's blessing and peace be upon him" said: "Then, give his property to the eldest among the men of Khuza'ah.

2905- It is narrated on the authority of Ibn Abbas that a man died and had no heir; and he had only a slave whom he had emancipated. The Messenger of Allah "Allah's blessing and peace be upon him" asked: "Does he have anyone (to inherit his property)?" they said: "No, but he had a slave whom he had emancipated." On that the Messenger of Allah "Allah's blessing and peace be upon him" gave his property to the freed slave.

[9] The Heritage Of The Child Of The Woman For Whom She Is Involved In Mula'anah

(Invoking Allah's curse upon the liar of the couple when the husband accuses his wife of committing adultery)

2906- It is narrated on the authority of Wathilah Ibn Al-Asqa' that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "The woman receives heritage from three (sources): her child, her manumitted slave (or slave-girl), and her child for whom she is involved in Mula'anah."

2907- It is narrated on the authority of Makhul that he said: The Messenger of Allah "Allah's blessing and peace be upon him" gave the property of the child of a woman for whom she would be involved in Mula'anah to his mother, and her heir after her death.

2908- A Hadith like this is narrated on the authority of Amr Ibn Shu'aib from his father from his grandfather from the Messenger of Allah "Allah's blessing and peace be upon him"

حَوْلاً». قال: فَأَتَاهُ بَعْدَ الْحَوْلِ فقَالَ: يَا رَسُولَ اللَّهِ لَمْ أَجِدْ أَزْدِيًّا أَدْفَعُهُ إِلَيْهِ. قَالَ: «**فَانْطَلِقْ فَانْظُرْ أَوَّلَ خُزَاعِيٍّ تَلْقَاهُ فَادْفَعْهُ إِلَيْهِ**»، فَلَمَّا وَلَّى قال: «**عَلَيَّ الرَّجُلَ**»، فَلَمَّا جَاءَهُ قَالَ: «**انْظُرْ كُبْرَ خُزَاعَةَ فَادْفَعْهُ إِلَيْهِ**».

2904 ـ حدّثنا الْحُسَيْنُ بنُ أَسْوَدَ الْعِجْلِيُّ: حدَّثنا يَحْيَى ـ يَعْنِي ابنَ آدَمَ ـ قال: حدَّثنا شَرِيكٌ، عن جِبْرِيلَ بنِ أَحْمَرَ أَبِي بَكْرٍ، عن ابْنِ بُرَيْدَةَ، عن أَبِيهِ قال: مَاتَ رَجُلٌ مِنْ خُزَاعَةَ فَأُتِيَ النَّبِيُّ ﷺ بِمِيرَاثِهِ، فقَالَ: «**الْتَمِسُوا لَهُ وَارِثًا أَوْ ذَا رَحِمٍ**»، فَلَمْ يَجِدُوا لَهُ وَارِثًا وَلاَ ذَا رَحِمٍ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «**أَعْطُوهُ الْكُبْرَ مِنْ خُزَاعَةَ**». قال يَحْيَى: قَدْ سَمِعْتُهُ مَرَّةً يَقُولُ فِي هَذَا الْحَدِيثِ: «**انْظُرُوا أَكْبَرَ رَجُلٍ مِنْ خُزَاعَةَ**».

2905 ـ حدّثنا مُوسَى بنُ إِسْمَاعِيلَ: حدَّثنا حَمَّادٌ: أخبرنا عَمْرُو بنُ دِينَارٍ، عن عَوْسَجَةَ، عن ابنِ عَبَّاسٍ: «أَنَّ رَجُلاً مَاتَ وَلَمْ يَدَعْ وَارِثًا إِلاَّ غُلاَمًا لَهُ كَانَ أَعْتَقَهُ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «**هَلْ لَهُ أَحَدٌ؟**» قَالُوا: لاَ، إِلاَّ غُلاَمًا لَهُ كَانَ أَعْتَقَهُ، فَجَعَلَ رَسُولُ اللَّهِ ﷺ مِيرَاثَهُ لَهُ».

[ت9/م9] ـ باب ميراث ابنِ الملاعنة

2906 ـ حدّثنا إِبْرَاهِيمُ بنُ مُوسَى الرَّازِيُّ: حدَّثنا مُحَمَّدُ بنُ حَرْبٍ: حدَّثَنِي عُمَرُ بنُ رُوبَةَ التَّغْلِبِيُّ، عن عَبْدِ الْوَاحِدِ بنِ عَبْدِ اللَّهِ النَّصْرِيِّ، عنْ وَاثِلَةَ بنِ الأَسْقَعِ، عن النَّبِيِّ ﷺ قَالَ: «**الْمَرْأَةُ تُحْرِزُ ثَلاَثَةَ مَوَارِيثَ: عَتِيقَهَا وَلَقِيطَهَا وَوَلَدَهَا الَّذِي لاَعَنَتْ عَنْهُ**».

2907 ـ حدّثنا مَحْمُودُ بنُ خَالِدٍ، وَمُوسَى بنُ عَامِرٍ، قالاَ: حدَّثنا الْوَلِيدُ: حدَّثنا ابنُ جَابِرٍ: أَخبرنا مَكْحُولٌ قال: «جَعَلَ رَسُولُ اللَّهِ ﷺ مِيرَاثَ ابنِ الْمُلاَعِنَةِ لأُمِّهِ وَلِوَرَثَتِهَا مِنْ بَعْدِهَا».

2908 ـ حدّثنا مُوسَى بنُ عَامِرٍ: حدَّثنا الْوَلِيدُ: أَخبرني عِيسَى أَبُو مُحَمَّدٍ، عن الْعَلاَءِ بنِ الْحَارِثِ، عن عَمْرِو بنِ شُعَيْبٍ، عن أَبِيهِ، عن جَدِّهِ، عن النَّبِيِّ ﷺ مِثْلَهُ.

[10] Does A Muslim Inherit The Property Of An Infidel?

2909- It is narrated on the authority of Usamah Ibn Zaid that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "No Muslim should inherit the property of an infidel, nor should an infidel inherit the property of a Muslim."

2910- It is narrated on the authority of Usamah Ibn Zaid that he said: I asked The Messenger of Allah "Allah's blessing and peace be upon him": "O Allah's Apostle! Where will you halt tomorrow?" that was during his (Farewell) pilgrimage. He replied: "Has Aqil (Ibn Abu Talib) left any house for us?" then, the Messenger of Allah "Allah's blessing and peace be upon him" further said: "We are going tomorrow to halt at the valley of Banu Kinanah", i.e. the Muhassab, where the Quraish people agreed to affirm their disbelief. That was when Banu Kinanah made alliance with the Quraish against Banu Hashim not to marry from them, nor to enter into transactions with them, nor to house them.

2911- It is narrated on the authority of Amr Ibn Shu'aib from his father from his grandfather Abdullah Ibn Amr that the Messenger of Allah "Allah's blessing and peace be upon him" said: "There is no mutual inheritance between two persons belonging to different religions."

2912- It is narrated on the authority of Abdullah Ibn Buraidah that two brothers, one was a Jew and the other a Muslim, appealed to Yahya Ibn Ya'mur to judge between them pertaining to their heritage, thereupon he gave it to the Muslim among them, and said: Abu Al-Aswad told me from a man that Mu'adh said: I heard the Messenger of Allah "Allah's blessing and peace be upon him" having said: "No doubt, Islam gives increase (to its holder) no decrease." He gave the heritage to the Muslim.

2913- It is narrated on the authority of Abdullah Ibn Buraidah from Yahya Ibn Ya'mur from Abu Al-Aswad Ad-Du'ali that the heritage of a deceased Jew was brought to Mu'adh, and his heir was a Muslim, and related the same from the Messenger of Allah "Allah's blessing and peace be upon him".

[11] When One Embraces Islam In The Existence Of Heritage

2914- It is narrated on the authority of Ibn Abbas that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "Every distribution (of the heritage) made during the pre-Islamic period of ignorance has been in accordance with (the regulations and traditions) upon which it was acted; and any distribution (of the heritage) upon which Islam

[ت10/م10] ـ باب هل يَرِثُ المسلم الكافر؟

2909 ـ حدّثنا مُسَدَّدٌ، حدثنا سُفْيَانُ، عن الزُّهْرِيِّ، عن عَلِيِّ بن حُسَيْنٍ، عن عَمْرِو بنِ عُثْمَانَ، عن أُسَامَةَ بنِ زَيْدٍ، عن النَّبِيِّ ﷺ: **«لاَ يَرِثُ الْمُسْلِمُ الْكَافِرَ، وَلاَ الْكَافِرُ الْمُسْلِمَ»**.

2910 ـ حدّثنا أَحْمَدُ بنُ حنبَلٍ: حدَّثنا عَبْدُ الرَّزَّاقِ: حدَّثنا مَعْمَرٌ، عن الزُّهْرِيِّ، عن عَلِيِّ بنِ حُسَيْنٍ، عن عَمْرِو بنِ عُثْمَانَ، عن أُسَامَةَ بنِ زَيْدٍ قال: قُلْتُ: يَا رَسُولَ اللَّهِ أَيْنَ تَنْزِلُ غَدًا؟ فِي حَجَّتِهِ، قَالَ: **«وَهَلْ تَرَكَ لَنَا عَقِيلٌ مَنْزِلاً؟»**، ثُمَّ قَالَ: **«نَحْنُ نَازِلُونَ بِخَيْفِ بَنِي كِنَانَةَ حَيْثُ تَقَاسَمَتْ قُرَيْشٌ عَلَى الْكُفْرِ»** يَعْنِي الْمُحَصَّبَ وَذَاكَ أَنَّ بَنِي كِنَانَةَ حَالَفَتْ قُرَيْشًا عَلَى بَنِي هَاشِمٍ أَنْ لاَ يُنَاكِحُوهُمْ وَلاَ يُبَايِعُوهُمْ وَلاَ يُؤْوُوهُمْ.

قال الزُّهْرِيُّ: وَالْخَيْفُ الْوَادِي.

2911 ـ حدّثنا مُوسَى بنُ إِسْمَاعِيلَ: حدَّثنا حَمَّادٌ، عن حَبِيبٍ الْمُعَلِّم، عن عَمْرِو بنِ شُعَيْبٍ، عن أَبِيهِ، عن جَدِّهِ عَبْدِ اللَّهِ بنِ عَمْرٍو قال: قَالَ رَسُولُ اللَّهِ ﷺ: **«لاَ يَتَوَارَثُ أَهْلُ مِلَّتَيْنِ شَتَّى»**.

2912 ـ حدّثنا مُسَدَّدٌ: حدَّثنا عَبْدُ الْوَارِثِ، عن عَمْرِو بنِ أَبِي حَكِيمٍ الْوَاسِطِيِّ: حدَّثنا عَبْدُ اللَّهِ بنُ بُرَيْدَةَ: أَنَّ أَخَوَيْنِ اخْتَصَمَا إِلَى يَحْيَى بنِ يَعْمَرَ يَهُودِيٌّ وَمُسْلِمٌ فَوَرَّثَ الْمُسْلِمَ مِنْهُمَا، وَقَالَ: حَدَّثَنِي أَبُو الأَسْوَدِ أَنَّ رَجُلاً حَدَّثَهُ أَنَّ مُعَاذًا قَالَ سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: **«الإِسْلاَمُ يَزِيدُ وَلاَ يَنْقُصُ»** فَوَرَّثَ الْمُسْلِمَ.

2913 ـ حدّثنا مُسَدَّدٌ: أخبرنا يَحْيَى بنُ سَعِيدٍ، عن شُعْبَةَ، عن عَمْرِو بنِ أَبِي حَكِيمٍ، عن عَبْدِ اللَّهِ بنِ بُرَيْدَةَ، عَنْ يَحْيَى بنِ يَعْمَرَ، عَنْ أَبِي الأَسْوَدِ الدِّيلِيِّ، أَنَّ مُعَاذًا أُتِيَ بِمِيرَاثِ يَهُودِيٍّ وَارِثُهُ مُسْلِمٌ بِمَعْنَاهُ عن النَّبِيِّ ﷺ.

[ت11/م11] ـ باب فيمن أسلم على ميراث

2914 ـ حدّثنا حَجَّاجُ بنُ أَبِي يَعْقُوبَ: حدَّثنا مُوسَى بنُ دَاوُدَ: حدَّثنا مُحَمَّدُ بنُ مُسْلِمٍ، عن عَمْرِو بنِ دِينَارٍ، عن أَبِي الشَّعْثَاءِ، عن ابنِ عَبَّاسٍ رَضِيَ اللَّهِ عَنْهُمَا قَالَ: قَالَ النَّبِيُّ ﷺ: **«كُلُّ قَسْمٍ قُسِمَ فِي الْجَاهِلِيَّةِ فَهُوَ عَلَى مَا**

has come should be made in accordance with (the laws and principles governing the way of heritage) distribution of Islam."

[12] What About The Devotion

2915- It is narrated on the authority of Ibn Umar that A'ishah, the Mother of the Believers, intended to buy a slave-girl in order to manumit her (and get the reward of that), thereupon her masters said to her: "We are ready to sell her to you on the condition that her devotion should remain to us." When she made a mention of that to the Messenger of Allah "Allah's blessing and peace be upon him", he said: "Let not this (condition they have stipulated) prevent you (from buying and manumitting her), since the devotion should be to the manumitter."

2916- It is narrated on the authority of A'ishah that she said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "No doubt, the devotion (of a slave or a slave-girl) should be to the price giver and manumitter."

2917- It is narrated on the authority of Amr Ibn Shu'aib from his father from his grandfather that he said: Rabab Ibn Hudhaifah Ibn Sa'id Ibn Sahm got married to a woman (reported to have been Umm Wa'il Bint Ma'mar Al-Jumahiyyah), and she gave birth to three children for him, and when she died, her sons inherited her property and the devotion of her devotees. Amr Ibn Al-As was the next of kin to her sons from the side of their father. He accompanied them to Sham, where they died. A devotee belonging to her died and left much property. Her sisters carried on a lawsuit against him before Umar Ibn Al-Khattab (over the devotion of their sister's devotee, which he inherited from her sons), thereupon Umar said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "Whatever both the son and the father gain should go to their closest relative from the side of the father." He then gave a judgement in our favour, and wrote to us a document, having the witness of Abd Ar-Rahman Ibn Awf, Zaid Ibn Thabit, and a third one. when Abd Al-Malik Ibn Marwan became the caliph, they brought the case to Hisham Ibn Isma'il (or Isma'il Ibn Hisham), who raised it up to Abd Al-Malik (to whom we brought the document of Umar). On that he said: "I think this is of the judgements in which there should be no doubt." Thus, he gave the same judgement of Umar Ibn Al-Khattab, in our favour concerning it; and we still get benefit from it.

قُسِمَ، وَكُلُّ قَسْمٍ أَدْرَكَهُ الإِسْلاَمُ فَإِنَّهُ على قَسْمِ الإِسْلاَمِ».

[ت12/م12] ـ باب في الوَلاء

2915 ـ حدّثنا قُتَيْبَةُ بنُ سَعِيدٍ قال: قُرِىءَ عَلَى مَالِكٍ وَأَنَا حَاضِرٌ قَالَ مَالِكٌ: عَرَضَ عَلَيَّ نَافِعٌ، عن ابنِ عُمَرَ: أَنَّ عَائِشَةَ أُمَّ الْمُؤْمِنِينَ رَضِيَ اللَّهُ عَنْهَا أَرَادَتْ أَنْ تَشْتَرِيَ جَارِيَةً تُعْتِقُهَا، فَقَالَ أَهْلُهَا: نَبِيعُكِهَا عَلَى أَنَّ وَلاَءَهَا لَنَا، فَذَكَرَتْ عَائِشَةُ ذَاكَ لِرَسُولِ اللَّهِ ﷺ فَقَالَ: «**لاَ يَمْنَعُكِ ذَلِكَ، فَإِنَّ الْوَلاَءَ لِمَنْ أَعْتَقَ**».

2916 ـ حدّثنا عُثْمَانُ بنُ أَبي شَيْبَةَ: حدَّثنا وَكِيعُ بنُ الْجَرَّاحِ، عن سُفْيَانَ الثَّوْرِيِّ، عن مَنْصُورٍ، عن إِبْرَاهِيمَ، عن الأَسْوَدِ، عنْ عَائِشَةَ قَالَتْ: قَالَ رَسُولُ اللَّهِ ﷺ: «**الْوَلاَءُ لِمَنْ أَعْطَى الثَّمَنَ وَوَلِيَ النِّعْمَةَ**».

2917 ـ حدّثنا عَبْدُ اللَّهِ بنُ عَمْرِو بنِ أَبي الْحَجَّاجِ أَبُو مَعْمَرٍ: حدَّثنا عَبْدُ الْوَارِثِ، عن حُسَيْنٍ الْمُعَلِّمِ، عن عَمْرِو بنِ شُعَيْبٍ، عن أَبِيهِ، عن جَدِّهِ: «أَنَّ رِئَابَ بنَ حُذَيْفَةَ تَزَوَّجَ امْرَأَةً فَوَلَدَتْ لَهُ ثَلاَثَةَ غِلْمَةٍ فَمَاتَتْ أُمُّهُمْ فَوَرِثُوهَا رِبَاعَهَا وَوَلاَءَ مَوَالِيهَا، وَكَانَ عَمْرُو بنُ الْعَاصِ عَصَبَةَ بَنِيهَا، فَأَخْرَجَهُمْ إِلَى الشَّامِ فَمَاتُوا، فَقَدِمَ عَمْرُو بنُ الْعَاصِ وَمَاتَ مَوْلًى لَهَا وَتَرَكَ مَالاً لَهُ فَخَاصَمَهُ إِخْوَتُهَا إِلَى عُمَرَ بنِ الْخَطَّابِ، فَقَالَ عُمَرُ: قَال رَسُولُ اللَّهِ ﷺ: «**مَا أَحْرَزَ الْوَلَدُ أَوِ الْوَالِدُ فَهُوَ لِعَصَبَتِهِ مَنْ كَانَ**»، قَالَ: فَكَتَبَ لَهُ كِتَابًا فِيهِ شَهَادَةُ عَبْدِ الرَّحْمَنِ بنِ عَوْفٍ وَزَيْدِ بنِ ثَابِتٍ وَرَجُلٍ آخَرَ، فَلَمَّا اسْتُخْلِفَ عَبْدُ الْمَلِكِ اخْتَصَمُوا إِلَى هِشَامِ بنِ إِسْمَاعِيلَ أَو إِلَى إِسْمَاعِيلَ بنِ هِشَامٍ، فَرَفَعَهُمْ إِلَى عَبْدِ المَلِكِ فَقَالَ: هَذَا مِنَ الْقَضَاءِ الَّذِي مَا كُنْتُ أَرَاهُ. قال: فَقَضَى لَنَا بِكِتَابِ عُمَرَ بنِ الْخَطَّابِ فَنَحْنُ فِيهِ إِلَى السَّاعَةِ».

[13] When One Embraces Islam At The Hands Of Another

2918- It is narrated on the authority of Tamim Ad-Dari that he said: I said: "O Messenger of Allah! What is the commandment pertaining to a man who embraces Islam at the hands of another?" on that the Messenger of Allah "Allah's blessing and peace be upon him" said: "He is the closest to him during his life (by supporting and helping him), and at his death (by inheriting his property if he has no heir, or offering funeral prayer for him according to another interpretation)."

[14] What About Selling The Devotion

2919- It is narrated on the authority of Ibn Umar that he said: The Messenger of Allah "Allah's blessing and peace be upon him" forbade selling and granting the devotion (of anyone other than such as of whom one is a devotee).

[15] What About (The Commandment Pertaining To) The Child Who Is Born, Cries And Then Dies Immediately

2920- It is narrated on the authority of Abu Hurairah that the Messenger of Allah "Allah's blessing and peace be upon him" said: "If the born child cries (portending his being born alive), then (his portion of the property) should be subject to inheritance."

[16] Abrogating The Inheritance Because Of Pledge By The Inheritance Because Of The Blood-Relations

2921- It is narrated on the authority of Ibn Abbas concerning Allah's saying: "To those, also, to whom your right hand was pledged, give their due portion": It was the habit that a man would agree with another that any of them died first, the other would inherit his property. Then, Allah Almighty revealed: "Blood-relations among each other have closer personal ties, in the Decree of Allah. Than (the Brotherhood of) Believers and Muhajirs: nevertheless Do you what is just to your closest friends: such is the writing of the Decree (of Allah)." (Al-Ahzab 6)

2922- It is narrated on the authority of Ibn Abbas, regarding Allah's saying: "To those, also, to whom your right hand was pledged, give their due portion": When the Emigrants came to Medina, an Emigrant used to be the heir of an Ansari with the exclusion of the latter's relatives, in view of the bond of brotherhood established between them by The Messenger of Allah "Allah's blessing and peace be upon him". But when the Verse "To (benefit) every one, we have appointed sharers and heirs" was revealed, (such an inheritance) was cancelled." Ibn Abbas further said: "(As for

[ت13/م13] ـ باب في الرجل يُسلم على يدي الرجل

2918 ـ حدّثنا يَزِيدُ بنُ خَالِدِ بنِ مَوْهِبٍ الرَّمْلِيُّ، وَهِشَامُ بنُ عَمَّارٍ، قالا: حدَّثنا يَحْيَى ـ قال أَبُو دَاوُدَ: هُوَ ابْنُ حَمْزَةَ ـ عن عَبْدِ الْعَزِيزِ بنِ عُمَرَ قَالَ: سَمِعتُ عَبْدَ اللَّهِ بنَ مَوْهِبٍ يُحَدِّثُ عُمَرَ بنَ عَبْدِ الْعَزِيزِ، عن قَبِيصَةَ بنِ ذُؤَيْبٍ، قَالَ هِشَامٌ: عن تَمِيمِ الدَّارِيِّ أَنَّهُ قَالَ: يَا رَسُولَ اللَّهِ، وَقَالَ يَزِيدُ إِنَّ تَمِيمًا قَالَ: يَا رَسُولَ اللَّهِ مَا السُّنَّةُ فِي الرَّجُلِ يُسْلِمُ عَلَى يَدَيِ الرَّجُلِ مِنَ الْمُسْلِمِينَ؟ قال: «**هُوَ أَوْلَى النَّاسِ بِمَحْيَاهُ وَمَمَاتِهِ**».

[ت14/م14] ـ باب في بيع الوَلاء

2919 ـ حدّثنا حَفْصُ بنُ عُمَرَ: حدَّثنا شُعْبَةُ، عن عَبْدِ اللَّهِ بنِ دِينارٍ، عن ابنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا قال: «نَهَى رَسُولُ اللَّهِ ﷺ عن بَيْعِ الْوَلَاءِ وَعَنْ هِبَتِهِ».

[ت15/م15] ـ باب في المولود يستهلُّ ثم يموت

2920 ـ حدّثنا حُسَيْنُ بنُ مُعَاذٍ، أخبرنا عَبْدُ الأَعْلَى: حدَّثنا مُحَمَّدٌ ـ يَعْنِي ابنَ إِسْحَاقَ ـ، عن يَزِيدَ بنِ عَبْدِ اللَّهِ بنِ قُسَيْطٍ، عن أَبي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ، عن النَّبِيِّ ﷺ قال: «**إِذَا اسْتَهَلَّ الْمَوْلُودُ وُرِّثَ**».

[ت16/م16] ـ باب نسخ ميراث العقد بميراث الرَّحِم

2921 ـ حدّثنا أَحْمَدُ بنُ مُحَمَّدِ بنِ ثَابِتٍ، قال: حَدَّثَنِي عَلِيُّ بنُ حُسَيْنٍ، عن أَبِيهِ، عن يَزِيدَ النَّحْوِيِّ، عن عِكْرِمَةَ، عن ابنِ عَبَّاسٍ رَضِيَ اللَّهِ عَنْهُمَا قَالَ: ﴿وَالَّذِينَ عَقَدَتْ أَيْمَانُكُمْ فَآتُوهُمْ نَصِيبَهُمْ﴾ [النساء: 33] كَانَ الرَّجُلُ يُحَالِفُ الرَّجُلَ لَيْسَ بَيْنَهُمَا نَسَبٌ فَيَرِثُ أَحَدُهُمَا الآخَرَ فَنَسَخَ ذَلِكَ الأَنْفَالُ فَقَالَ تعالى: ﴿وَأُولُوا الْأَرْحَامِ بَعْضُهُمْ أَوْلَى بِبَعْضٍ﴾ [الأنفال: 75].

2922 ـ حدّثنا هَارُونُ بنُ عَبْدِ اللَّهِ: حدَّثنا أَبُو أُسَامَةَ: حَدَّثَنِي إِدْرِيسُ بنُ يَزِيدَ، حدثنا طَلْحَةُ بنُ مُصَرِّفٍ، عن سَعِيدِ بنِ جُبَيْرٍ، عن ابنِ عَبَّاسٍ فِي قَوْلِهِ: ﴿وَالَّذِينَ عَقَدَتْ أَيْمَانُكُمْ فَآتُوهُمْ نَصِيبَهُمْ﴾ قال: كَانَ الْمُهَاجِرُونَ حِينَ قَدِمُوا الْمَدِينَةَ تُوَرَّثُ الأَنْصَارَ دُونَ ذَوِي رَحِمِهِ لِلأُخُوَّةِ الَّتِي آخَى رَسُولُ اللَّهِ ﷺ بَيْنَهُمْ، فَلَمَّا نَزَلَتْ هَذِهِ الآيَةُ: ﴿وَلِكُلٍّ جَعَلْنَا مَوَالِيَ مِمَّا تَرَكَ﴾ [النساء: 33] قَالَ: نَسَخَتْهَا ﴿وَالَّذِينَ

Allah's saying) "To those, also, to whom your right hand was pledged, give their due portion", it is concerned with the covenant of helping and advising each other. Though they can no longer inherit each other, but they can bequeath each other some of their property by means of a will.

2923- It is narrated on the authority of Dawud Ibn Al-Hasin that he said: I used to recite (the Qur'an) to Umm Sa'd Ibn Ar-Rabie, and she was a female orphan under the guardianship of Abu Bakr. When I recited to her (Allah's saying): "To those, also, to whom your right hand was pledged, give their due portion", she said to me: "Do not recite it as such! However, this was revealed in connection with Abu Bakr and his son Abd Ar-Rahman when he rejected to embrace Islam, thereupon Abu Bakr took an oath not to make him one of his heirs. When he embraced Islam, Allah Almighty ordered His Prophet "Peace be upon him" to give him his due portion." According to the addition of Abd Al-Aziz, he did not embrace Islam until he was compelled to do so under the edge of the sword.

2924- It is narrated on the authority of Ibn Abbas that he said: (According to Allah's statement) "Such as have believed and emigrated (in Allah's Cause), and such as have believed but have not emigrated", a desert dweller was not to inherit the property of an Emigrant, nor was the Emigrant to inherit the property of a desert dweller, until it was abrogated by the statement of Allah Almighty: "Blood-relations among each other have closer personal ties, in the Decree of Allah.." (Al-Ahzab 6)

[17] What About (The Inheritance Because Of) The Alliance

2925- It is narrated on the authority of Jubair Ibn Mut'im that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "There is no alliance in Islam but whatever (alliance) established in the pre-Islamic period of ignorance (for good), should be intensified and strengthened by Islam."

2926- It is narrated on the authority of Anas Ibn Malik that he said: The Messenger of Allah "Allah's blessing and peace be upon him" made (a bond of) alliance between both the Muhajirs (Emigrants) and the Ansar (Helpers) in our home. It was said to him: Is it not that the Messenger of Allah "Allah's blessing and peace be upon him" said: "There is no alliance in Islam"? he said twice or thrice: The Messenger of Allah "Allah's blessing and peace be upon him" made (a bond of) alliance between both the Muhajirs (Emigrants) and the Ansar (Helpers) in our home.

عَقَدَتْ أَيْمَنُكُمْ فَـَٔاتُوهُمْ نَصِيبَهُمْ﴾ مِنَ النَّصْرِ وَالنَّصِيحَةِ وَالرِّفَادَةِ، وَيُوصِي لَهُ وَقَدْ ذَهَبَ المِيرَاثُ.

2923 ـ حدّثنا أَحْمَدُ بنُ حَنْبَلٍ، وَعَبْدُ الْعَزِيزِ بنُ يَحْيَى، المَعْنَى، قالَ أَحْمَدُ: حدَّثنا مُحَمَّدُ بنُ سَلَمَةَ، عن ابنِ إسْحَاقَ، عن دَاوُدَ بنِ الْحُصَيْنِ قال: «كُنتُ أَقْرَأُ عَلَى أُمِّ سَعْدٍ بِنْتِ الرَّبِيعِ، وَكَانَتْ يَتِيمَةً في حِجْرِ أَبي بَكْرٍ فَقَرَأْتُ: ﴿وَالَّذِينَ عَقَدَتْ أَيْمَنُكُمْ﴾ فَقَالَتْ: لاَ تَقْرَأْ: ﴿وَالَّذِينَ عَقَدَتْ أَيْمَنُكُمْ﴾ إنَّمَا نَزَلَتْ في أبي بَكْرٍ وابْنِهِ عَبْدِ الرَّحْمَنِ حِينَ أبى الإسْلاَمَ، فَحَلَفَ أَبو بَكْرٍ أَنْ لاَ يُوَرِّثَهُ، فَلَمَّا أَسْلَمَ أَمَرَ اللَّهُ تَعَالَى نَبِيَّهُ عليه السلام أَنْ يُؤْتِيَهُ نَصِيبَهُ. زَادَ عَبْدُ الْعَزِيزِ: فَمَا أَسْلَمَ حَتَّى حُمِلَ عَلَى الإسْلاَمِ بالسَّيْفِ».

قال أَبُو دَاوُدَ: مَنْ قَالَ: ﴿**عَقَدَتْ**﴾ جَعَلَهُ حِلْفًا، وَمَنْ قَالَ: ﴿**عَاقَدَتْ**﴾ جَعَلَهُ حَالِفًا. قَالَ: وَالصَّوَابُ حَدِيثُ طَلْحَةَ ﴿**عَاقَدَتْ**﴾.

2924 ـ حدّثنا أَحْمَدُ بنُ مُحَمَّدٍ: حدَّثنا عَلِيُّ بنُ حُسَيْنٍ، عن أَبِيهِ، عن يَزِيدَ النَّحْوِيِّ، عن عِكْرِمَةَ، عن ابنِ عَبَّاسٍ رَضِيَ اللَّهِ عَنْهُمَا ﴿وَالَّذِينَ ءَامَنُوا وَهَاجَرُوا﴾ [الأنفال: 74] ﴿وَالَّذِينَ ءَامَنُوا وَلَمْ يُهَاجِرُوا﴾ [الأنفال: 72] فَكَانَ الأَعْرَابِيُّ يَرِثُ المُهَاجِرَ وَلاَ يَرِثُهُ المُهَاجِرُ فَنسَخَتْهَا فَقَالَ تَعَالَى: ﴿فَأُولَـٰئِكَ مِنكُمْ وَأُولُوا الْأَرْحَامِ بَعْضُهُمْ أَوْلَىٰ بِبَعْضٍ﴾ [الأنفال: 75].

[ت17/م17] ـ باب في الحِلْف

2925 ـ حدّثنا عُثْمَانُ بنُ أَبي شَيْبَةَ: حدَّثنا مُحَمَّدُ بنُ بِشْرٍ وَابْنُ نُمَيْرٍ وَأَبُو أُسَامَةَ، عن زَكَرِيَّا، عن سَعْدِ بنِ إبْرَاهِيمَ، عن أَبِيهِ، عن جُبَيْرِ بنِ مُطْعِم قال: قَالَ رَسُولُ اللَّهِ ﷺ: «**لاَ حِلْفَ فِي الإسْلاَمِ، وَأَيُّمَا حِلْفٍ كَانَ فِي الْجَاهِلِيَّةِ لَمْ يَزِدْهُ الإسْلاَمُ إلاَّ شِدَّةً**».

2926 ـ حدّثنا مُسَدَّدٌ: حدَّثنا سُفْيَانُ، عن عَاصِمٍ الأَحْوَلِ قال: سَمِعْتُ أَنَسَ بنَ مَالِكٍ يَقُولُ: «حَالَفَ رَسُولُ اللَّهِ ﷺ بَيْنَ المُهَاجِرِينَ وَالأَنْصَارِ فِي دَارِنَا، فَقِيلَ لَهُ: أَلَيْسَ قال رَسُولُ اللَّهِ ﷺ: «**لاَ حِلْفَ فِي الإسْلاَمِ**»؟ فَقَالَ: حَالَفَ رَسُولُ اللَّهِ ﷺ بَيْنَ المُهَاجِرِينَ وَالأَنْصَارِ فِي دَارِنَا مَرَّتَيْنِ أَوْ ثَلاثًا».

[18] The Woman Inherits Her Portion From The Blood-Money Of Her Husband

2927- It is narrated on the authority of Sa'id Ibn Al-Musayyab that Umar used to say: "The blood-money should be inherited by one's close relative from the side of his father, and the woman inherits nothing from the blood-money of her husband" until Ad-Dahhak Ibn Sufyan said to him: The Messenger of Allah "Allah's blessing and peace be upon him" wrote to me (a message in which he ordered me) to make the wife of Ashyam Ad-Dibabi inherit from the blood-money of her husband." On that Umar retracted from his statement.

Abu Dawud said: The same is narrated on the authority of Az-Zuhri from Sa'id, and he added here: The Messenger of Allah "Allah's blessing and peace be upon him" had appointed him (Ad-Dahhak Ibn Sufyan) in charge of the affairs of the Bedouins.

[ت18/م18] ـ باب في المرأة تَرِث من دِيَة زوجها

2927 ـ حدّثنا أَحْمَدُ بنُ صَالِحٍ: حدَّثنا سُفْيَانُ، عن الزُّهْرِيِّ، عن سَعِيدٍ قال: «كَانَ عُمَرُ بنُ الْخَطَّابِ يَقُولُ: الدِّيَةُ لِلْعَاقِلَةِ وَلاَ تَرِثُ الْمَرْأَةُ مِنْ دِيَةِ زَوْجِهَا شَيْئًا حَتَّى قَالَ لَهُ الضَّحَّاكُ بنُ سُفْيَانَ: كَتَبَ إِلَيَّ رَسُولُ اللَّهِ ﷺ أَنَّ امْرَأَةَ أَشْيَمَ الضِّبَابِيِّ [تَرِثُ] مِنْ دِيَةِ زَوْجِهَا فَرَجَعَ عُمَرُ». قَالَ أَحْمَدُ بنُ صَالِحٍ: أخبرنا عَبْدُ الرَّزَّاقِ بِهَذَا الْحَدِيثِ عن مَعْمَرٍ، عن الزُّهْرِيِّ، عن سَعِيدٍ، وَقَالَ فِيهِ: «وَكَانَ النَّبِيُّ ﷺ اسْتَعْمَلَهُ عَلَى الأَعْرَابِ».

(14/19) THE BOOK OF TAXES, BOOTY AND RULING

[1] The Right Of The Subjects Upon The Ruler

2928- It is narrated on the authority of Abdullah Ibn Umar that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "Behold! Everyone of you is a guardian, and responsible for what is in his custody. The ruler is a guardian of his subjects and is responsible for them; a husband is a guardian of his dependents and is responsible for them; a lady is a guardian of her husband's house and is responsible for it, and a servant is a guardian of his master's property and is responsible for it: so all of you are guardians and responsible for your wards and things under your care."

[2] What About Asking For Ruling

2929- It is narrated on the authority of Abd Ar-Rahman Ibn Samurah that he said: The Prophet "Allah's blessing and peace be upon him" said to me: "O Abd Ar-Rahman Ibn Samurah! Do not seek to be a ruler, because if you are given authority because of your asking for it, then you will be held responsible for it, but if you are given it without asking for it, then you will be helped in it (by Allah):."

2930- It is narrated on the authority of Abu Musa that he said: I went to The Prophet "Allah's blessing and peace be upon him" with two men from Ash'arite tribe. One of them said to the Messenger of Allah "Allah's blessing and peace be upon him": "We've come so that you would seek our help (by appointing us in charge of any of) your jobs." The other said the same, thereupon the Messenger of Allah "Allah's blessing and peace be upon him" said: "No doubt, the most treacherous among you in our sight is him, who asks (for being appointed in charge of any job)." Abu Musa apologized to the Messenger of Allah "Allah's blessing and peace be upon him" and said to him: "I do not know that they want employment." The Prophet "Allah's blessing and peace be upon him" did not employ them until they died.

[3] Could A Blind Be Appointed In Charge Of Any Job

2931- It is narrated on the authority of Anas that the Messenger of Allah "Allah's blessing and peace be upon him" appointed Ibn Umm Maktum as his successor in Medina twice (to lead the prayer).

[14/19] ـ كتاب الخراج والإمارة والفيء

[ت1/م1] ـ باب ما يلزم الإمام من حق الرعية

2928 ـ حدّثنا عَبْدُ اللَّهِ بنُ مَسْلَمَةَ، عن مَالِكٍ، عن عَبْدِ اللَّهِ بنِ دِينَارٍ، عَنْ عَبْدِ اللَّهِ بنِ عُمَرَ أَنَّ رَسُولَ اللَّهِ ﷺ قال: «**أَلاَ كُلُّكُمْ رَاعٍ وَكُلُّكُمْ مَسْؤُولٌ عَنْ رَعِيَّتِهِ، فَالأَمِيرُ الَّذِي عَلَى النَّاسِ رَاعٍ عَلَيْهِمْ وَهُوَ مَسْؤُولٌ عَنْهُمْ، وَالرَّجُلُ رَاعٍ عَلَى أَهْلِ بَيْتِهِ وَهُوَ مَسْؤُولٌ عَنْهُمْ، وَالْمَرْأَةُ رَاعِيَةٌ عَلَى بَيْتِ بَعْلِهَا وَوَلَدِهِ وَهِيَ مَسْؤُولَةٌ عَنْهُمْ، وَالعَبْدُ رَاعٍ عَلَى مَالِ سَيِّدِهِ وَهُوَ مَسْؤُولٌ عَنْهُ، فَكُلُّكُمْ رَاعٍ وَكُلُّكُمْ مَسْؤُولٌ عَنْ رَعِيَّتِهِ**».

[ت2/م2] ـ باب ما جاء في طلب الإمارة

2929 ـ حدّثنا مُحَمَّدُ بنُ الصَّبَّاحِ الْبَزَّازُ: حدثنا هُشَيْمٌ: أخبرنا يُونُس وَمَنْصُورٌ، عن الْحَسَنِ، عن عَبْدِ الرَّحْمَنِ بنِ سَمُرَةَ قالَ: قَالَ لِي رَسُولُ اللَّهِ ﷺ: «**يَا عَبْدَ الرَّحْمَنِ بنَ سَمُرَةَ لاَ تَسْأَلِ الإمَارَةَ فَإِنَّكَ إِنْ أُعْطِيتَهَا عَنْ مَسْأَلَةٍ وُكِلْتَ فِيهَا إِلَى نَفْسِكَ، وَإِنْ أُعْطِيتَهَا عَنْ غَيْرِ مَسْأَلَةٍ أُعِنْتَ عَلَيْهَا**».

2930 ـ حدّثنا وَهْبُ بنُ بَقِيَّةَ: حدَّثنا خَالِدٌ، عن إِسْمَاعِيلَ بنِ أَبي خَالِدٍ، عن أَخِيهِ، عن بِشْرِ بنِ قُرَّةَ الْكَلْبِيِّ، عن أَبي بُرْدَةَ، عن أَبي مُوسَى رَضِيَ اللَّهِ عَنْهُ قال: «انْطَلَقْتُ مَعَ رَجُلَيْنِ إِلَى النَّبِيِّ ﷺ فَتَشَهَّدَ أَحَدُهُمَا ثُمَّ قَالَ: جِئْنَا لِتَسْتَعِينَ بِنَا عَلَى عَمَلِكَ، وقَالَ الآخَرُ مِثْلَ قَوْلِ صَاحِبِهِ، فقالَ النبيُّ: «**إِنَّ أَخْوَنَكُمْ عِنْدَنَا مِنْ طَلَبَهُ**»، فَاعْتَذَرَ أَبُو مُوسَى إِلَى النَّبِيِّ ﷺ وَقَالَ: لَمْ أَعْلَمْ لِمَا جَاءَا لَهُ، فَلَمْ يَسْتَعِنْ بِهِمَا عَلَى شَيْءٍ حَتَّى مَاتَ».

[ت3/م3] ـ باب في الضرير يُولَّى

2931 ـ حدّثنا مُحَمَّدُ بنُ عَبْدِ اللَّهِ المُخَرِّمِيُّ: حدَّثنا عَبْدُ الرَّحْمَنِ بنُ مَهْدِيٍّ: حدَّثنا عِمْرَانُ الْقَطَّانُ، عن قَتَادَةَ، عن أَنَسٍ: «أَنَّ النَّبِيَّ ﷺ اسْتَخْلَفَ ابنَ أُمِّ مَكْتُومٍ عَلَى المَدِينَةِ مَرَّتَيْنِ».

[4] What About Taking A Minister?

2932- It is narrated on the authority of A'ishah that she said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "If Allah intends to do good to a ruler, He helps him take a minister of truth: whenever he forgets, he reminds him, and whenever he remembers, he helps him; and if Allah intends to do evil to a ruler, He helps him take a minister of evil: whenever he forgets, he never reminds him, and whenever he remembers, he never helps him."

[5] What About Chieftaincy

2933- It is narrated on the authority of Al-Miqdam Ibn Ma'di-Karib that the Messenger of Allah "Allah's blessing and peace be upon him" patted on his shoulder and then said to him: "You will have been prosperous O Qudaim (the Arabic minimized formula of Miqdam) if you die without becoming a ruler, nor a clerk, nor a chieftain."

2934- It is narrated on the authority of Ghalib Al-Qatan from a man from his father from his grandfather that they were living near a spring of water, and when the news of Islam reached them the chieftain of the spring gave his people one hundred camels on the condition that they would embrace Islam, thereupon they embraced Islam and he distributed the camels among them. Then, it seemed to him to take back the camels. He sent his son to the Messenger of Allah "Allah's blessing and peace be upon him" and said: "Go to the Messenger of Allah "Allah's blessing and peace be upon him" and say to him: My father bids you salutation and tells you that he gave his people one hundred camels on the condition that they would embrace Islam, thereupon they embraced Islam and he distributed the camels among them. Then, it seemed to him to take back the camels: does he have more claim over his camels or do they have more claim over them? When he answers you in the affirmative or in the negative say to him: My father is an old man, and he is the chieftain of the water; and he asks you to appoint me the chieftain after him." He went to the Messenger of Allah "Allah's blessing and peace be upon him" and said: "My father bids you salutation." He replied: "Upon your father be peace." He further said: "My father gave his people one hundred camels on the condition that they would embrace Islam, thereupon they embraced Islam perfectly, and he distributed the camels among them. Then, it seemed to him to take back the camels: does he have more claim over his camels or do they have more claim over them?" the Messenger of Allah "Allah's blessing and peace be upon him" said: "If it seems to him to give the camels to them, let him do

[ت4/م4] ـ باب في اتخاذ الوزير

2932 ـ حدّثنا مُوسَى بنُ عَامِرٍ المُرِّيُّ: حدَّثنا الْوَلِيدُ: حدَّثنا زُهَيْرُ بنُ مُحَمَّدٍ، عن عَبْدِ الرَّحْمَنِ بنِ الْقَاسِمِ، عن أَبِيهِ، عن عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا قَالَتْ: قَالَ رَسُولُ اللَّهِ ﷺ: «**إِذَا أَرَادَ اللَّهُ بِالأَمِيرِ خَيْرًا جَعَلَ لَهُ وَزِيرَ صِدْقٍ: إِنْ نَسِيَ ذَكَّرَهُ، وَإِنْ ذَكَرَ أَعَانَهُ، وَإِذَا أَرَاد اللَّهُ بِهِ غَيْرَ ذَلِكَ جَعَلَ لَهُ وَزِيرَ سُوءٍ، إِنْ نَسِيَ لَمْ يُذَكِّرْهُ، وَإِنْ ذَكَرَ لَمْ يُعِنْهُ**».

[ت5/م5] ـ باب في العِرَافة

2933 ـ حدّثنا عَمْرُو بنُ عُثْمَانَ: حدَّثنا مُحَمَّدُ بنُ حَرْبٍ، عن أَبي سَلَمَةَ سُلَيْمَانَ بنِ سُلَيْم، عن يَحْيَى بنِ جَابِرٍ، عن صَالِحِ بنِ يَحْيَى بنِ المِقْدَامِ، عن جَدِّهِ المِقْدَامِ بنِ مَعْدِيكَرِبَ: أَنَّ رَسُولَ اللَّهِ ﷺ ضَرَبَ عَلَى مَنْكِبِهِ، ثُمَّ قَالَ: «**أَفْلَحْتَ يَا قُدَيْمُ إِنْ مُتَّ وَلَمْ تَكُنْ أَمِيرًا وَلاَ كَاتِبًا وَلاَ عَرِيفًا**».

2934 ـ حدّثنا مُسَدَّدٌ: حدَّثنا بِشْرُ بنُ المُفَضَّلِ: حدثنا غَالِبُ الْقَطَّانُ، عن رَجُلٍ، عن أَبِيهِ، عن جَدِّهِ أَنَّهُمْ كَانُوا عَلَى مَنْهَلٍ مِنَ المَنَاهِلِ، فَلَمَّا بَلَغَهُمُ الإِسْلاَمُ جَعَلَ صَاحِبُ الْمَاءِ لِقَوْمِهِ مائَةً مِنَ الإِبْلِ عَلَى أَنْ يُسْلِمُوا، فَأَسْلَمُوا وَقَسَمَ الإبِلَ بَيْنَهُمْ، وَبَدَا لَهُ أَنْ يَرْتَجِعَهَا مِنْهُمْ، فَأَرْسَلَ ابْنَهُ إِلَى النَّبِيِّ ﷺ، فَقَالَ لَهُ: ائْتِ النَّبِيَّ ﷺ فَقُلْ لَهُ: إِنَّ أَبِي يُقْرِئُكَ السَّلاَمَ وَإِنَّهُ جَعَلَ لِقَوْمِهِ مائَةً مِنَ الإبِلِ عَلَى أَنْ يُسْلِمُوا، فَأَسْلَمُوا وَقَسَمَ الإِبِلَ بَيْنَهُمْ وَبَدَا لَهُ أَنْ يَرْتَجِعَهَا مِنْهُمْ، أَفَهُوَ أَحَقُّ بِهَا أَمْ هُمْ؟ فَإِنْ قَالَ لَكَ نَعَمْ أَوْ لاَ، فَقُلْ لَهُ: إِنَّ أَبِي شَيْخٌ كَبِيرٌ وَهُوَ عَرِيفُ الْمَاءِ وَإِنَّهُ يَسْأَلُكَ أَنْ تَجْعَلَ لِي العِرَافَةَ بَعْدَهُ.

فَأَتَاهُ فَقَالَ: إِنَّ أَبِي يُقْرِئُكَ السَّلاَمَ، فَقَالَ: «**وَعَلَيْكَ وَعَلَى أَبِيكَ السَّلاَمُ**»، فقال: إِنَّ أَبِي جَعَلَ لِقَوْمِهِ مائَةً مِنَ الإِبِلِ عَلَى أَنْ يُسْلِمُوا فَأَسْلَمُوا وَحَسُنَ إِسْلاَمُهُمْ ثُمَّ بَدَا لَهُ أَنْ يَرْتَجِعَهَا مِنْهُمْ فَهُوَ أَحَقُّ بِهَا أَمْ هُمْ؟ فَقَالَ: «**إِنْ بَدَا لَهُ أَنْ يُسْلِمَهَا لَهُمْ فَلْيُسْلِمْهَا، وَإِنْ بَدَا لَهُ أَنْ يَرْتَجِعَهَا فَهُوَ أَحَقُّ بِهَا مِنْهُمْ،**

(if he so likes), and if it seems to him to take them back, he has more claim over them; and if they embrace Islam, they will have (the reward of) their faith, and if they do not embrace Islam, they will be fought until they submit to it." He further said: "My father is an old man, and he is the chieftain of the water; and he asks you to appoint me the chieftain after him." On that the Messenger of Allah "Allah's blessing and peace be upon him" said: "No doubt, the chieftaincy is a fact, and the people must necessarily have chieftains (to manage their affairs), but (you should know at the same time that) the chieftains will be admitted to the fire (of Hell)."

[6] Appointing The Clerk

2935- It is narrated on the authority of Ibn Abbas that he said: The register keeper is a clerk, whom the Messenger of Allah "Allah's blessing and peace be upon him" took (to write to him what he liked).

[7] Collecting And Administering The Charity

2936- It is narrated on the authority of Rafi' Ibn Khadij that he said: I heard the Messenger of Allah "Allah's blessing and peace be upon him" having said: "Such as is engaged in collecting and administering the charity justly and fairly is like such as fights in the Cause of Allah until he returns to his home."

2937- It is narrated on the authority of Uqbah Ibn Amir that he said: I heard the Messenger of Allah "Allah's blessing and peace be upon him" having said: "No wrongful tax collector will enter the Garden."

2938- It is narrated on the authority of Ibn Ishaq that he said: The wrongful tax collector is him, who takes one-tenth the people's income with no just cause.

[8] Should The Caliph Appoint A Successor

2939- It is narrated on the authority of Ibn Umar that Umar said: "If I do not appoint a successor, no doubt, the Messenger of Allah "Allah's blessing and peace be upon him" appointed no successor to him; and if I appoint a successor, Abu Bakr appointed a successor to him." Ibn Umar said: He no sooner had mentioned both the Messenger of Allah "Allah's blessing and peace be upon him" and Abu Bakr than I came to know that he would not imitate but the conduct of the Messenger of Allah "Allah's blessing and peace be upon him", and that he would appoint no successor to him.

فَإِنْ أَسْلَمُوا فَلَهُمْ إِسْلاَمُهُمْ، وَإِنْ لَمْ يُسْلِمُوا قُوتِلُوا عَلَى الإِسْلاَمِ».

وَقَالَ: إِنَّ أَبِي شَيْخٌ كَبِيرٌ وَهُوَ عَرِيفُ الْمَاءِ، وَإِنَّهُ يَسْأَلُكَ أَنْ تَجْعَلَ لِي الْعِرَافَةَ بَعْدَهُ، فَقَالَ: «**إِنَّ الْعِرَافَةَ حَقٌّ وَلاَ بُدَّ لِلنَّاسِ مِنَ الْعُرَفَاءِ وَلَكِنَّ الْعُرَفَاءَ فِي النَّارِ**».

[ت6/م6] ـ باب في اتخاذ الكاتب

2935 ـ حدّثنا قُتَيْبَةُ بنُ سَعِيدٍ: حدَّثنا نُوحُ بنُ قَيْسٍ، عن يَزِيدَ بنِ كَعْبٍ، عن عَمْرِو بنِ مَالِكٍ، عن أَبِي الْجَوْزَاءِ، عن ابنِ عَبَّاسٍ قَالَ: «السِّجِلُّ كَاتِبٌ كَانَ لِلنَّبِيِّ ﷺ».

[ت7/م7] ـ باب في السِّعاية على الصدقة

2936 ـ حدّثنا مُحَمَّدُ بنُ إِبْرَاهِيمَ الأَسْبَاطِيُّ: حدَّثنا عَبْدُ الرَّحِيمِ بنُ سُلَيْمَانَ، عن مُحَمَّدِ بنِ إِسْحَاقَ، عن عَاصِمِ بنِ عُمَرَ بنِ قَتَادَةَ، عن مَحْمُودِ بنِ لَبِيدٍ، عن رَافِعِ بنِ خَدِيجٍ قال: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «**الْعَامِلُ عَلَى الصَّدَقَةِ بِالْحَقِّ كَالْغَازِي فِي سَبِيلِ اللَّهِ حَتَّى يَرْجِعَ إِلَى بَيْتِهِ**».

2937 ـ حدّثنا عَبْدُ اللَّهِ بنُ مُحَمَّدٍ النُّفَيْلِيُّ: حدَّثنا مُحَمَّدُ بنُ سَلَمَةَ، عن مُحَمَّدِ بنِ إِسْحَاقَ، عن يَزِيدَ بنِ أَبِي حَبِيبٍ، عن عَبْدِ الرَّحْمَنِ بنِ شِمَاسَةَ، عن عُقْبَةَ بنِ عَامِرٍ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ قال: «**لاَ يَدْخُلُ الْجَنَّةَ صَاحِبُ مَكْسٍ**».

2938 ـ حدّثنا مُحَمَّدُ بنُ عَبْدِ اللَّهِ الْقَطَّانُ، عن ابنِ مَغْرَاءَ، عن ابنِ إِسْحَاقَ قال: الَّذِي يَعْشُرُ النَّاسَ، يعني صَاحِبَ الْمَكْسِ.

[ت8/م8] ـ باب في الخليفة يَسْتَخْلِف

2939 ـ حدّثنا مُحَمَّدُ بنُ دَاوُدَ بنِ سُفْيَانَ وَسَلَمَةُ قَالاَ: حدَّثنا عَبْدُ الرَّزَّاقِ: أخبرنا مَعْمَرٌ، عن الزُّهْرِيِّ، عن سَالِمٍ، عن ابنِ عُمَرَ قالَ: قَالَ عُمَرُ: إِنِّي إِنْ لاَ أَسْتَخْلِفْ، فَإِنَّ رَسُولَ اللَّهِ ﷺ لَمْ يَسْتَخْلِفْ، وَإِنْ أَسْتَخْلِفْ فَإِنَّ أَبَا بَكْرٍ قَدِ اسْتَخْلَفَ، قَالَ: فَوَاللَّهِ مَا هُوَ إِلاَّ أَنْ ذَكَرَ رَسُولَ اللَّهِ ﷺ وَأَبَا بَكْرٍ، فَعَلِمْتُ أَنَّهُ لاَ يَعْدِلُ بِرَسُولِ اللَّهِ ﷺ أَحَدًا وَإِنَّهُ غَيْرُ مُسْتَخْلِفٍ.

[9] What About Giving The Pledge Of Allegiance

2940- It is narrated on the authority of Ibn Umar that he said: We used to give the pledge of allegiance to the Messenger of Allah "Allah's blessing and peace be upon him" to listen and obey (the ruler, and he would dictate to us) "as much as is within your capacity.

2941- It is narrated on the authority of A'ishah that she told him about the way of the women's giving the pledge of allegiance to the Messenger of Allah "Allah's blessing and peace be upon him" saying: the hand of The Messenger of Allah "Allah's blessing and peace be upon him" never touched the hand of any woman, but he only used to take her pledge of allegiance orally. Whenever he accepted the pledge of allegiance from anyone of them he would say to her: "I accepted your oath of fealty."

2942- It is narrated on the authority of Abdullah Ibn Hisham, who saw the Messenger of Allah "Allah's blessing and peace be upon him", that his mother Zainab Bint Humaid brought him to the Messenger of Allah "Allah's blessing and peace be upon him" and said: "O Messenger of Allah! Take the pledge of allegiance from him." He said: "He is still too young (to do)." He passed his hand over his head.

[10] The Remuneration Of The Employees

2943- It is narrated on the authority of Abdullah Ibn Buraidah from his father that the Messenger of Allah "Allah's blessing and peace be upon him" said: "He, whom we appoint in any job for remuneration we give him, and then he takes any more beyond it, it is, indeed, a kind of misappropriation."

2944- It is narrated on the authority of Ibn As-Sa'idi that he said: Umar appointed me to be in charge of collecting and administering the charity, and when I finished he ordered that remuneration should be given to me, thereupon I said: "I've done this job only for the Sake of Allah Almighty (and not in expectation for any wages)." On that he said: "Take what you've been given, for during the lifetime of the Messenger of Allah "Allah's blessing and peace be upon him", I did a job and he gave me the remuneration for it."

2945- It is narrated on the authority of Al-Mustawrid Ibn Shaddad that he said: I heard the Messenger of Allah "Allah's blessing and peace be upon him" having said: "He, who is employed in any job for us, let him have a wife out of his earnings; and if he has no servant, let him have a servant out of his earnings; and if he has no house, let him have a house out

[ت9/م9] ـ باب ما جاء في البيعة

2940 ـ حدّثنا حَفْصُ بنُ عُمَرَ: حدَّثنا شُعْبَةُ، عن عَبْدِ اللَّهِ بنِ دِينَارٍ، عن ابنِ عُمَرَ قال: كُنَّا نُبَايعُ النَّبِيَّ ﷺ عَلَى السَّمْعِ وَالطَّاعَةِ وَيُلَقِّنُنَا «**فِيمَا اسْتَطَعْتُمْ**».

2941 ـ حدّثنا أَحْمَدُ بنُ صَالِحٍ: حدَّثنا ابنُ وَهْبٍ: حدَّثَنِي مَالِكٌ، عن ابنِ شِهَابٍ، عن عُرْوَةَ: أَنَّ عَائِشَةَ رَضِيَ اللَّهِ عَنْهَا أَخْبَرَتْهُ عَنْ بَيْعَةِ رَسُولِ اللَّهِ ﷺ النِّسَاءَ قَالَتْ: مَا مَسَّ رَسُولُ اللَّهِ ﷺ يَدَ امْرَأَةٍ قَطُّ إِلاَّ أَنْ يَأْخُذَ عَلَيْهَا، فَإِذَا أَخَذَ عَلَيْهَا فَأَعْطَتْهُ قَالَ: «**اذْهَبِي فَقَدْ بَايَعْتُكِ**».

2942 ـ حدّثنا عُبَيْدُ اللَّهِ بنُ عُمَرَ بنِ مَيْسَرَةَ: أخبرنا عَبْدُ اللَّهِ بنُ يَزِيدَ، قال: حدَّثنا سَعِيدُ بنُ أَبي أَيُّوبَ: أخبرنا أَبُو عَقِيلٍ زُهْرَةُ بنُ مَعْبَدٍ، عن جَدِّهِ عَبْدِ اللَّهِ بنِ هِشَامٍ، قال: وَكَانَ قَدْ أَدْرَكَ النَّبِيَّ ﷺ وَذَهَبَتْ بِهِ أُمُّهُ زَيْنَبُ بِنْتُ حُمَيْدٍ إِلَى رَسُولِ اللَّهِ ﷺ فَقَالَتْ: يَا رَسُولَ اللَّهِ بَايِعْهُ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «**هُوَ صَغِيرٌ**»، فَمَسَحَ رَأْسَهُ.

[ت10/م9، 10] ـ باب في أَرزاق العمال

2943 ـ حدّثنا زَيْدُ بنُ أَخْرَمَ أَبُو طَالِبٍ: حدَّثنا أَبُو عَاصِمٍ، عن عَبْدِ الْوَارِثِ بنِ سَعِيدٍ، عن حُسَيْنٍ الْمُعَلِّمِ، عن عَبْدِ اللَّهِ بنِ بُرَيْدَةَ، عن أَبِيهِ، عن النَّبِيِّ ﷺ قَالَ: «**مَنِ اسْتَعْمَلْنَاهُ عَلَى عَمَلٍ فَرَزَقْنَاهُ رِزْقًا فَمَا أَخَذَ بَعْدَ ذَلِكَ فَهُوَ غُلُولٌ**».

2944 ـ حدّثنا أَبُو الْوَلِيدِ الطَّيَالِسِيُّ: حدثنا لَيْثٌ، عن بُكَيْرِ بنُ عَبْدِ اللَّهِ بنِ الأَشَجِّ، عن بُسْرِ بنِ سَعِيدٍ، عن ابنِ السَّاعِدِيِّ قال: «اسْتَعْمَلَنِي عُمَرُ عَلَى الصَّدَقَةِ، فَلَمَّا فَرَغْتُ أَمَرَ لِي بِعُمَالَةٍ فَقُلْتُ: إِنَّمَا عَمِلْتُ لله، قَالَ: خُذْ مَا أُعْطِيتَ فَإِنِّي قَدْ عَمِلْتُ عَلَى عَهْدِ رَسُولِ اللَّهِ فَعَمَّلَنِي».

2945 ـ حدّثنا مُوسَى بنُ مَرْوَانَ الرَّقِّيُّ: حدَّثنا الْمُعَافَى: حدَّثنا الأَوْزَاعِيُّ، عن الْحَارِثِ بنِ يَزِيدَ، عن جُبَيْرِ بنِ نُفَيْرٍ، عن الْمُسْتَوْرِدِ بنِ شَدَّادٍ قَالَ: سَمِعْتُ النَّبِيَّ ﷺ يَقُولُ: «**مَنْ كَانَ لَنَا عَامِلاً فَلْيَكْتَسِبْ زَوْجَةً. فَإِنْ لَمْ يَكُنْ لَهُ خَادِمٌ فَلْيَكْتَسِبْ خَادِمًا، فَإِنْ لَمْ يَكُنْ لَهُ مَسْكَنٌ فَلْيَكْتَسِبْ مَسْكَنًا**». قال: قال

of his earnings; and if he gets anything beyond those, he will have then committed misappropriation or theft."

[11] The Gifts Of The Employees

2946- It is narrated on the authority of Abu Humaid As-Sa'idi that he said: The Prophet "Allah's blessing and peace be upon him" appointed a man from (the tribe of) Azd, called Ibn Al-Lutbiyyah for collecting the obligatory charity. When he returned he said: "This (the obligatory charity) is for you and this has been given to me as a present." The Prophet "Allah's blessing and peace be upon him" stood on the pulpit, praised Allah, and extolled Him. Then, he said: "What is the matter with you that when I appoint a man from you to a responsible position, he comes to me saying: "This wealth is for you (i.e. for the treasury of Muslims) and this is a gift presented to me"? Why hadn't he stayed in his father's or mother's house to see whether he would be given presents or not? By Him, in Whose Hands my life is, whoever takes something from those (resources of the obligatory charity unlawfully) will carry it on his neck on the Day of Judgement; if it be a camel, it will be grunting; if a cow, it will be mooing; and if a sheep, it will be bleating." The Prophet "Allah's blessing and peace be upon him" then raised his hands till we saw the whiteness of his armpits, and said thrice: "O Allah! Haven't I reported Your Message (to them)?"

[12] The Misappropriation Of Charity

2947- It is narrated on the authority of Abu Mas'ud Al-Ansari that he said: The Messenger of Allah "Allah's blessing and peace be upon him" sent me as charity collector and said: "Go Abu Mas'ud, and I do not like to see you on the Day of Judgement carrying on your neck a camel of those given in charity which will be grunting." I said to him: "Then, I will not go (i.e. exempt me from this job)." He said: "Then, I will not force you to do it."

[13] The Ruler Should Be Mainly Concerned With The Affairs Of His Subjects

2948- It is narrated on the authority of Abu Maryam Al-Azdi that he said: I visited Mu'awiyah who said to me: "What do you have?" I said: "A narration I heard, and let me relate it to you. I heard the Messenger of Allah "Allah's blessing and peace be upon him" having said: "He, whom Allah makes in charge of the affairs of the Muslims, and he puts a screen that prevents him from dealing with the needs, affairs and poverty of the people, Allah Almighty will screen Himself from him against his needs, affairs and

أَبُو بَكْرٍ: أُخْبِرْتُ أَنَّ النَّبِيَّ ﷺ قَالَ: **«مَنِ اتَّخَذَ غَيْرَ ذَلِكَ فَهُوَ غَالٌّ أَوْ سَارِقٌ»**.

[ت11/م10 ، 11] ـ باب في هدايا العمَّال

2946 ـ حدّثنا ابنُ السَّرحِ وَابْنُ أَبِي خَلَفٍ، لَفْظُهُ، قالاَ: حدَّثنا سُفْيَانُ، عن الزُّهْرِيِّ، عن عُرْوَةَ، عن أَبِي حُمَيْدٍ السَّاعِدِيِّ: أَنَّ النَّبِيَّ ﷺ اسْتَعْمَلَ رَجُلاً مِنَ الأَزْدِ يُقَالُ لَهُ ابْنُ اللُّتْبِيَّةِ ـ قَالَ ابنُ السَّرْحِ: ابنُ الأُتْبِيَّةِ ـ عَلَى الصَّدَقَةِ فَجَاءَ فَقَالَ: هَذَا لَكُمْ وَهَذَا أُهْدِيَ لِي، فَقَامَ النَّبِيُّ ﷺ عَلَى المِنْبَرِ فَحمِدَ اللَّهِ وَأَثْنَى عَلَيْهِ وَقَالَ: **«مَا بَالُ الْعَامِلِ نَبعثُهُ فَيَجِيءُ فَيَقُولُ: هَذَا لَكُمْ وَهَذَا أُهْدِيَ لِي، أَلا جَلَسَ فِي بَيْتِ أُمِّهِ أَوْ أَبِيهِ فَيَنْظُرَ أَيُهْدَى لَهُ أَمْ لا؟ لاَ يَأْتِي أَحَدٌ مِنْكُم بِشَيْءٍ مِنْ ذَلِكَ إِلاَّ جَاءَ بِهِ يَوْمَ الْقِيَامَةِ، إِنْ كَانَ بَعِيرًا فَلَهُ رُغَاءٌ أَوْ بَقَرَةً فَلَهَا خُوَارٌ أَوْ شَاةً تَيْعَرُ»**، ثُمَّ رَفَعَ يَدَيْهِ حَتَّى رَأَيْنَا عُفْرَةَ إِبْطَيْهِ ثُمَّ قَالَ: **«اللَّهمَّ هَلْ بَلَّغْتُ؟ اللَّهمَّ هَلْ بَلَّغْتُ؟»**.

[ت12/م11، 12] ـ باب في غلول الصدقة

2947 ـ حدّثنا عُثْمانُ بنُ أَبِي شَيْبَةَ: حدَّثنا جَرِيرٌ، عن مُطَرِّفٍ، عن أَبِي الْجَهْمِ، عن أَبِي مَسْعُودٍ الأَنْصَارِيِّ قالَ: بَعَثَنِي النَّبِيُّ ﷺ سَاعِيًا ثُمَّ قال: **«انْطَلِقْ أَبَا مَسْعُودٍ لا أُلْفِيَنَّكَ يَوْمَ الْقِيَامَةِ تَجِيءُ وَعَلَى ظَهْرِكَ بَعِيرٌ مِنْ إِبِلِ الصَّدَقَةِ لَهُ رُغَاءٌ قَدْ غَلَلْتَهُ»**. قَالَ: إِذًا لاَ أَنْطَلِقُ قَالَ: **«إِذًا لاَ أُكْرِهُكَ»**.

[ت13/م12 ، 13] ـ باب فيما يَلْزم الإمام من أمر الرعيَّة والحجبة عنهم

2948 ـ حدّثنا سُلَيْمَانُ بنُ عَبْدِ الرَّحْمَنِ الدِّمَشْقِيُّ: حدَّثنا يَحْيَى بنُ حَمْزَةَ قَالَ: حَدَّثَنِي ابنُ أَبِي مَرْيَمَ أَنَّ الْقَاسِمَ بنَ مُخَيْمِرَةَ أَخْبَرَهُ أَنَّ أَبَا مَرْيَمَ الأَزْدِيَّ أَخْبَرَهُ قَالَ: «دَخَلْتُ عَلَى مُعَاوِيَةَ فَقَالَ: مَا أَنْعَمَنَا بِكَ أَبَا فُلاَنٍ؟ وَهِيَ كَلِمَةٌ تَقُولُهَا الْعَرَبُ فَقُلْتُ: حَدِيثًا سَمِعْتُهُ أُخْبِرُكَ بِهِ سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: **«مَنْ وَلاَّهُ اللَّهُ عَزَّ وَجَلَّ شَيْئًا مِنْ أَمْرِ الْمُسْلِمِينَ فَاحْتَجَبَ دُونَ حَاجَتِهِمْ وَخَلَّتِهِمْ**

poverty on the Day of Judgement." The result was that he appointed somebody to be in charge of the needs and affairs of the people.

2949- It is narrated on the authority of Hammam Ibn Munabbih that he said: This is what Abu Hurairah related to us: The Messenger of Allah "Allah's blessing and peace be upon him" said: "Neither do I give you anything, nor do I withhold anything from you (in accordance with my own will): I'm but a treasurer who gives (anything) wherever I've been ordered (by Allah Almighty)."

2950- It is narrated on the authority of Malik Ibn Aws Ibn Al-Hadthan that he said: Umar made a mention of the booty gained with no war one day, thereupon he said: "I have no more right over it than you, nor has anyone of us have more right over it than the other, except according to our positions as shown in Allah's Book, and the way of the distribution of the Messenger of Allah "Allah's blessing and peace be upon him": (first of all) there comes the man according to his precedence in Islam, because of which he was put to trial in Allah's Cause (i.e. his suffering and endeavor); then there comes the man according to his effort (i.e. his bravery and patient persevering); then there comes the man according to his dependents (who are under his guardianship); and then there comes the man according to his neediness and destitution."

[14] The Distribution Of The Booty That Is Gained With No War

2951- It is narrated on the authority of Zaid Ibn Aslam that he said: Abdullah Ibn Umar entered upon Mu'awiyah who said to him: "What is your need O Abu Abd Ar-Rahman?" he said: "The giving of the freed men, for I saw that when the Messenger of Allah "Allah's blessing and peace be upon him" received something (from the booty), he started with the giving of the freed ones."

2952- It is narrated on the authority of A'ishah that she said: A leather container full of beads was brought to the Messenger of Allah "Allah's blessing and peace be upon him" who distributed it among both the free women and the slave-girls. A'ishah further said: My father (Abu Bakr) used to make the slaves share the distribution of anything with the free ones.

2953- It is narrated on the authority of Awf Ibn Malik that whenever anything of the booty gained with no war was brought to the Messenger of Allah "Allah's blessing and peace be upon him", he would distribute it on the say day he received it, giving the married two times the single. One day, we were invited (to take our portions), and I used to be invited before

وَفَقْرِهِمُ احْتَجَبَ اللَّهُ عَنْهُ دُونَ حَاجَتِهِ وَخَلَّتِهِ وَفَقْرِهِ» قَالَ: فَجَعَلَ رَجُلاً عَلَى حَوَائِجِ النَّاسِ».

2949 ـ حدّثنا سَلَمَةُ بنُ شَبِيبٍ: حدَّثنا عَبْدُ الرَّزَّاقِ: حدَّثنا مَعْمَرٌ عَنْ هَمَّام بنِ مُنَبِّهٍ قَالَ: هَذَا مَا حَدَّثَنَا بِهِ أَبُو هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «**مَا أُوتِيكُمْ مِنْ شَيْءٍ وَمَا أَمْنَعُكُمُوهُ إِنْ أَنَا إِلاَّ خَازِنٌ أَضَعُ حَيْثُ أُمِرْتُ**».

2950 ـ حدّثنا النُّفَيْلِيُّ: حدَّثنا مُحَمَّدُ بنُ سَلَمَةَ، عن مُحَمَّدِ بنِ إِسْحَاقَ، عن مُحَمَّدِ بنِ عَمْرِو بنِ عَطَاءٍ، عن مَالِكِ بنِ أَوْسِ بنِ الْحَدَثَانِ قَالَ: «ذَكَرَ عُمَرُ بنُ الْخَطَّابِ يَوْمًا الْفَيْءَ فَقَالَ: مَا أَنَا بِأَحَقَّ بِهَذَا الْفَيْءِ مِنْكُمْ وَمَا أَحَدٌ مِنَّا بِأَحَقَّ بِهِ مِنْ أَحَدٍ إِلَّا أَنَّا عَلَى مَنَازِلِنَا مِنْ كِتَابِ اللَّهِ عَزَّ وَجَلَّ وَقَسْمِ رَسُولِ اللَّهِ ﷺ فَالرَّجُلُ وَقِدَمُهُ وَالرَّجُلُ وَبَلاَؤُهُ وَالرَّجُلُ وَعِيَالُهُ وَالرَّجُلُ وَحَاجَتُهُ».

[ت14/م13، 14] ـ باب في قَسْم الفيء

2951 ـ حدّثنا هَارُونُ بنُ زَيْدِ بنِ أَبي الزَّرْقَاءِ: حدَّثنا أَبي: أَخبرنا هِشَامُ بنُ سَعْدٍ، عن زَيْدِ بنِ أَسْلَمَ: «أَنَّ عَبْدَ اللَّهِ بنَ عُمَرَ دَخَلَ عَلَى مُعَاوِيَةَ فَقَالَ: حَاجَتُكَ يَا أَبَا عَبْدِ الرَّحْمَنِ! فَقَالَ: عَطَاءُ الْمُحَرَّرِينَ فَإِنِّي رَأَيْتُ رَسُولَ اللَّهِ ﷺ أَوَّلَ مَا جَاءَهُ شَيْءٌ بَدَأَ بِالْمُحَرَّرِينَ».

2952 ـ حدّثنا إِبْرَاهِيمُ بنُ مُوسَى الرَّازِيُّ: حدَّثنا عِيسَى: حدَّثنا ابنُ أَبي ذِئْبٍ، عن الْقَاسِمِ بنِ عَبَّاسٍ، عن عَبْدِ اللَّهِ بنِ نِيَارٍ، عن عُرْوَةَ، عن عَائِشَةَ رَضِيَ اللَّهِ عَنْهَا: «أَنَّ النَّبِيَّ ﷺ أُتِيَ بِظَبْيَةٍ فِيهَا خَرَزٌ فَقَسَمَهَا لِلْحُرَّةِ وَالأَمَةِ، قَالَتْ عَائِشَةُ: كَانَ أَبِي رَضِيَ اللَّهِ عَنْهُ يَقْسِمُ لِلْحُرِّ وَالْعَبْدِ».

2953 ـ حدّثنا سَعِيدُ بنُ مَنْصُورٍ: حدَّثنا عَبْدُ اللَّهِ بنُ الْمُبَارَكِ. (ح)، وحدَّثنا ابنُ الْمُصَفَّى، قَالَ: حدَّثنا أَبُو الْمُغِيرَةِ جَمِيعًا، عنْ صَفْوَانَ بنِ عَمْرٍو، عن عَبْدِ الرَّحْمَنِ بنِ جُبَيْرِ بنِ نُفَيْرٍ، عن أَبِيهِ، عن عَوْفِ بنِ مَالِكٍ: «أَنَّ رَسُولَ اللَّهِ ﷺ كَانَ إِذَا أَتَاهُ الْفَيْءُ قَسَمَهُ فِي يَوْمِهِ فَأَعْطَى الآهِلَ حَظَّيْنِ وَأَعْطَى الْعَزَبَ حَظًّا». زَادَ ابنُ الْمُصَفَّى: «فَدُعِينَا وَكُنْتُ أُدْعَى قَبْلَ عَمَّارٍ فَدُعِيتُ فَأَعْطَانِي حَظَّيْنِ وَكَانَ لِي

Ammar. I was invited and given two portions since I was married, and then Ammar Ibn Yasir was invited and given one portion.

[15] The Takings Of The Offspring

2954- It is narrated on the authority of Jabir Ibn Abdullah that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "I have more claim over the faithful believers than their own selves. He, who left property, it should go to his family; and he, who left dependents or debts to be fulfilled, it should be referred to me to fulfill."

2955- It is narrated on the authority of Abu Hurairah that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "He, who left property, it should go to his heirs; and he, who left dependents or debts to be fulfilled, it should be referred to me to fulfill."

2956- It is narrated on the authority of Jabir Ibn Abdullah that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "I have more claim over every faithful believer than his own self. He, who died and left debts to be fulfilled, it should be referred to me to fulfill; and he who left property, it should go to his heirs."

[16] When Should One Be Enrolled Among The Fighters

2957- It is narrated on the authority of Ibn Umar that he was displayed to the Messenger of Allah "Allah's blessing and peace be upon him" on the day of (the holy battle of) Uhud, and he was fourteen years old, but he did not give him permission (to be a fighter); and he was displayed to him once again on the day of (the holy battle of) the Trench, and he was fifteen years old, and he gave him permission.

[17] It Is Undesirable To Loan Money Towards The End Of One's Lifetime

2958- It is narrated on the authority of Sulaim Ibn Mutair, an old man from amongst the inhabitants of Wadi Al-Qura, that he said: My father Mutair told me: I set out as a pilgrim until when I was at As-Suwaida', as far as (a distance covered in) two nights from Medina, on the way or going to Sham, behold! I saw a man seeming to ask for medicine. He said: I was reported by one who heard the Messenger of Allah "Allah's blessing and peace be upon him" during his Farewell Hajj, while he was admonishing, commanding and forbidding the people, saying: "O people! Take (your portion of) proceeds as long as it is so, but when the people fall in dispute over the dominion, to the extent that the Quraish people would fight over it,

أَهْلٌ، ثُمَّ دُعِيَ بَعْدِي عَمَّارُ بنُ يَاسِرٍ فَأُعْطِيَ حَظًّا وَاحِدًا».

[ت15/م14 ، 15] ـ باب في أَرزاق الذُّرِّيَّة

2954 ـ حدّثنا مُحَمَّدُ بنُ كَثِيرٍ: حدَّثنا سُفْيَانُ، عن جَعْفَرٍ، عن أَبِيهِ، عن جَابِرِ بنِ عَبْدِ اللَّهِ قَالَ: كَانَ رَسُولُ اللَّهِ ﷺ يَقُولُ: «**أَنَا أَوْلَى بِالْمُؤْمِنِينَ مِنْ أَنْفُسِهِمْ مَنْ تَرَكَ مَالاً فَلِأَهْلِهِ، وَمَنْ تَرَكَ دَيْنًا أَوْ ضِيَاعًا فَإِلَيَّ وَعَلَيَّ**».

2955 ـ حدّثنا حَفْصُ بنُ عُمَرَ: حدَّثنا شُعْبَةُ، عن عَدِيِّ بنِ ثَابِتٍ، عن أَبِي حَازِمٍ، عن أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «**مَنْ تَرَكَ مَالاً فَلِوَرَثَتِهِ وَمَنْ تَرَكَ كَلاًّ فَإِلَيْنَا**».

2956 ـ حدّثنا أَحْمَدُ بنُ حَنْبَلٍ: أخبرنا عَبْدُ الرَّزَّاقِ، عن مَعْمَرٍ، عن الزُّهْرِيِّ، عن أَبِي سَلَمَةَ عن جَابِرِ بنِ عَبْدِ اللَّهِ عن النَّبِيِّ ﷺ كَانَ يَقُولُ: «**أَنَا أَوْلَى بِكُلِّ مُؤْمِنٍ مِنْ نَفْسِهِ فَأَيُّمَا رَجُلٍ مَاتَ وَتَرَكَ دَيْنًا فَإِلَيَّ، وَمَنْ تَرَكَ مَالاً فَلِوَرَثَتِهِ**».

[ت16/م15، 16] ـ باب متى يُفْرَض للرجل في المُقَاتِلة؟

2957 ـ حدّثنا أَحْمَدُ بنُ حَنْبَلٍ: حدَّثنا يَحْيَى: حدَّثنا عُبَيْدُ اللَّهِ: أخبرني نَافِعٌ، عن ابنِ عُمَرَ: «أَنَّ النَّبِيَّ ﷺ عَرَضَهُ يَوْمَ أُحُدٍ وَهُوَ ابنُ أَرْبَعَ عَشْرَةَ، فَلَمْ يُجِزْهُ وَعَرَضَهُ يَوْمَ الْخَنْدَقِ وَهُوَ ابنُ خَمْسَ عشْرَةَ سَنَةً فَأَجَازَهُ».

[ت17/م16، 17] ـ باب في كَراهية الافتراض في آخر الزمان

2958 ـ حدّثنا ابنُ أَبِي الحَوَارِيِّ: حدَّثنا سُلَيْمُ بنُ مُطَيْرٍ شَيْخٌ مِنْ أَهْلِ وَادِي الْقُرَى قَالَ: حَدَّثني أَبِي مُطَيْرٌ أَنَّهُ خَرَجَ حَاجًّا حَتَّى إِذَا كَانَ بِالسُّوَيْدَاءِ إِذَا أَنَا بِرَجُلٍ قَدْ جَاءَ كَأَنَّهُ يَطْلُبُ دَوَاءً أَوْ حُضَضًا، وَقَالَ: أخبرني مَنْ سَمِعَ رَسُولَ اللَّهِ ﷺ فِي حَجَّةِ الْوَدَاعِ وَهُوَ يَعِظُ النَّاسَ وَيَأْمُرُهُمْ وَيَنْهَاهُمْ، فَقَالَ: «**يَا أَيُّهَا النَّاسُ خُذُوا الْعَطَاءَ مَا كَانَ عَطَاءً، فَإِذَا تَجَاحَفَتْ قُرَيْشٌ عَلَى الْمُلْكِ**

leave it (your portion of the proceeds) even though it is due to anyone of you."

Abu Dawud says: The same is narrated on the authority of Sulaim Ibn Mutair through another chain of transmitters.

2959- It is narrated on the authority of Sulaim Ibn Mutair, a man from the inhabitants of Wadi Al-Qura, from his father that he said: A man told me that he heard the Messenger of Allah "Allah's blessing and peace be upon him" commanding and forbidding the people during the Farewell Hajj, and then he said: "Have I reported (you Allah's Message)?" they answered in the affirmative, thereupon he said: "When the Quraish people come to fight each other over the dominion, and you even find the gifts being given to you in the form of bribes (to divert you from your religion, and prompt you to make lawful what is unlawful), then, leave it." It was asked: "Who is that man?" it was said: "He is Abu Az-Zawa'id, a companion of the Prophet "Allah's blessing and peace be upon him"."

[18] Registering The Takings (Of The People)

2960- It is narrated on the authority of Abdullah Ibn Ka'b Ibn Malik Al-Ansari that an army from the Ansar was in the land of Persia and it was the habit of Umar to send armies in succession every year. One year, Umar was occupied from them, and when their term came to an end, they returned, thereupon he dealt harshly with them, and threatened them severely, even though they were from amongst the companions of the Messenger of Allah "Allah's blessing and peace be upon him". On that they said to him: "O Umar! You were (unintentionally) heedless of us, and forgot to carry out the command of the Messenger of Allah "Allah's blessing and peace be upon him" to send the armies in succession (every year)."

2961- It is narrated on the authority of Adi Ibn Adi Al-Kindi that Umar Ibn Abd Al-Aziz wrote that whoever asked about the way of distributing the booty, it should be according to what was stipulated by Umar Ibn Al-Khattab, which the faithful believers saw it was out of justice, in accordance with the statement of the Messenger of Allah "Allah's blessing and peace be upon him": "Allah Almighty has made the truth appear on the tongue and heart of Umar." He assigned the takings for the Muslims, and gave the non-Muslims the covenant (to live peacefully under the protection of the Muslims) on the condition that they should pay the Jizyah, from which no fifth nor earnings would be taken.

2962- It is narrated on the authority of Abu Dharr that he said: I heard the Messenger of Allah "Allah's blessing and peace be upon him" having

وَكَانَ عَنْ دِينِ أَحَدِكُمْ فَدَعُوهُ».

قال أَبُو دَاوُدَ: رَوَاهُ ابنُ الْمُبَارَكِ عنْ مُحَمَّدِ بنِ يَسَارٍ عَنْ سُلَيْمِ بنِ مُطَيْرٍ.

2959 ـ حدّثنا هِشَامُ بنُ عَمَّارٍ: حدَّثنا سُلَيْمُ بنُ مُطَيْرٍ مِنْ أَهْلِ وَادِي الْقُرَى، عن أَبِيهِ أَنَّهُ حَدَّثَهُ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ فِي حَجَّةِ الْوَدَاعِ أَمَرَ النَّاسَ وَنَهَاهُمْ، ثُمَّ قَالَ: «**اللَّهمَّ هَلْ بَلَّغْتُ؟**» قالُوا: اللَّهمَّ نَعَمْ، ثُمَّ قال: «**إِذَا تَجَاحَفَتْ قُرَيْشٌ عَلَى الْمُلْكِ فِيمَا بَيْنَهَا وَعَادَ الْعَطَاءُ أَوْ كَانَ رُشًا فَدَعُوهُ**» فَقِيلَ: مَنْ هَذَا؟ قَالُوا: هَذَا ذُو الزَّوَائِدِ صَاحِبُ رَسُولِ اللَّهِ ﷺ.

[ت18/م17، 18] ـ باب في تدوين العطاء

2960 ـ حدّثنا مُوسَى بنُ إِسْمَاعِيلَ: حدَّثنا إِبْرَاهِيمُ ـ يَعْنِي ابنَ سَعْدٍ ـ: أَخبرنا ابنُ شِهَابٍ، عن عَبْدِ اللَّهِ بنِ كَعْبِ بنِ مَالِكٍ الأَنْصَارِيِّ، أَنَّ جَيْشًا مِنَ الأَنْصَارِ كَانُوا بِأَرْضِ فَارِسَ مَعَ أَمِيرِهِمْ، وَكَانَ عُمَرُ يُعْقِبُ الْجُيُوشَ فِي كُلِّ عَامٍ، فَشُغِلَ عَنْهُمْ عُمَرُ، فَلَمَّا مَرَّ الأَجَلُ قَفَلَ أَهْلُ ذَلِكَ الثَّغْرِ، فَاشْتَدَّ عَلَيْهِمْ وَتَوَاعَدَهُمْ وَهُمْ أَصْحَابُ رَسُولِ اللَّهِ ﷺ فَقَالُوا: يَا عُمَرُ إِنَّكَ غَفَلْتَ عَنَّا وَتَرَكْتَ فِينَا الَّذِي أَمَرَ بِهِ رَسُولُ اللَّهِ ﷺ مِنْ إِعْقَابِ بَعْضِ الْغَزِيَّةِ بَعْضًا.

2961 ـ حدّثنا مَحْمُودُ بنُ خَالِدٍ: حدَّثنا مُحَمَّدُ بنُ عَائِذٍ: حدَّثنا الْوَلِيدُ: حدَّثنا عِيسَى بنُ يُونُسَ: حَدَّثَنِي فِيمَا حَدَّثَهُ ابْنٌ لِعَدِيِّ بنِ عَدِيٍّ الْكِنْدِيِّ: «أَنَّ عُمَرَ بنَ عَبْدِ الْعَزِيزِ كَتَبَ: إِنَّ مَنْ سَأَلَ عَنْ مَوَاضِعِ الْفَيْءِ فَهُوَ مَا حَكَمَ فِيهِ عُمَرُ بنُ الْخَطَّابِ رَضِيَ اللَّهُ عَنْهُ، فَرَآهُ الْمُؤْمِنُونَ عَدْلاً مُوَافِقًا لِقَوْلِ النَّبِيِّ ﷺ: «**جَعَلَ اللَّهُ الْحَقَّ عَلَى لِسَانِ عُمَرَ وَقَلْبِهِ**»، فَرَضَ الأَعْطِيَةَ لِلْمُسْلِمِينَ، وَعَقَدَ لأَهْلِ الأَدْيَانِ ذِمَّةً بِمَا فُرِضَ عَلَيْهِمْ مِنَ الْجِزْيَةِ لَمْ يَضْرِبْ فِيهَا بِخُمُسٍ وَلاَ مَغْنَمٍ».

2962 ـ حدّثنا أَحْمَدُ بنُ يُونُسَ: حدَّثنا زُهَيْرٌ: حدَّثنا مُحَمَّدُ بنُ إِسْحَاقَ، عَنْ مَكْحُولٍ، عن غُضَيْفِ بنِ الْحَارِثِ، عنْ أَبِي ذَرٍّ قال: سَمِعْتُ رَسُولَ اللَّهِ ﷺ

said: "Allah Almighty has placed the truth on the tongue of Umar to speak with it."

[19] The Property Specified To The Messenger Of Allah "Allah's Blessing And Peace Be Upon Him"

2963- It is narrated on the authority of Malik Ibn Aws Ibn Al-Hadthan that he said: Umar Ibn Al-Khattab sent (a messenger) to me (to come to him). I went to him when the sun rose high. I found him in his home, sitting on a bedstead, made of date-palm leaves, covered with no mattress. he was leaning over a leather pillow. I greeted him and sat down. He said: "O Malik! Some persons of your people who have families came to me and I have ordered that a gift should be given to them. So take and distribute it among them." I said: "Would that you order someone else to do it!" He said: "O Malik! Take it." Then, his doorman Yarfa came saying: "O Commander of the Believers! Uthman, Abd Ar-Rahman Ibn Awf, Az-Zubair and Sa'd Ibn Abu Waqqas are asking your permission (to enter into you). May I admit them?" Umar said: "Yes." So they were admitted, and they came in. A while later, he came again and said: "May I admit Ali and Abbas?" Omar said: "yes." So, they were admitted. (When they came in and sat down) Abbas said: "O Commander of The Believers! Judge between me and this (Ali)." (They had a dispute regarding the property of Banu An-Nadir, which Allah had given to His Apostle as booty with no war). The (present) companions said: "O Commander of The Believers! Judge between them and relieve both of them in front of each other." (Malik Ibn Aws said: I think they had come only for that purpose). Umar said: "Be patient!" then he turned his face to the present people and said: "I beseech you by Allah by Whose Permission the Heaven and the Earth exist, do you know that The Messenger of Allah "Allah's blessing and peace be upon him" said: "Our (prophets') property will not be inherited, and whatever we leave, is to be used for charity"?" The group said: "Yes (He said so)." Umar then turned his face to Ali and Abbas and said: "I beseech you by Allah by Whose Permission the Heaven and the Earth exist, do you know that The Messenger of Allah "Allah's blessing and peace be upon him" said: "Our (prophets') property will not be inherited, and whatever we leave, is to be used for charity"?" They replied: " Yes (He said so)." Umar then said: "Allah bestowed upon His Apostle "Allah's blessing and peace be upon him" a special favour of something of this booty which he gave to nobody else." (Umar then recited Allah's saying): " What Allah has bestowed on His Messenger (and taken away) from them, for this you made no expedition with either cavalry or camelry: but Allah gives power to His Messengers

يَقُولُ: «**إِنَّ اللَّهَ تَعَالَى وَضَعَ الْحَقَّ عَلَى لِسَانِ عُمَرَ يَقُولُ بِهِ**».

[ت19/م18، 19] ـ باب في صفايا رسول اللَّهِ ﷺ من الأموال

2963 ـ حدّثنا الْحَسَنُ بنُ عَلِيٍّ وَمُحَمَّدُ بنُ يَحْيَى بنِ فَارِسَ المَعْنَى، قالاَ: حدَّثنا بِشْرُ بنُ عُمَرَ الزَّهْرَانِيُّ، قال: حَدَّثَنِي مَالِكُ بنُ أَنَسٍ، عن ابنِ شِهَابٍ، عن مَالِكِ بنِ أَوْسِ بنِ الْحَدَثَانِ قَالَ: «أَرْسَلَ إِلَيَّ عُمَرُ حِينَ تَعَالَى النَّهَارُ فَجِئْتُهُ فَوَجَدْتُهُ جَالِسًا عَلَى سَرِيرٍ مُفْضِيًا إِلَى رِمَالِهِ، فَقَالَ حِينَ دَخَلْتُ عَلَيْهِ: يَا مَالِ إِنَّهُ قَدْ دَفَّ أَهْلُ أَبْيَاتٍ مِنْ قَوْمِكَ وَإِنِّي قَدْ أَمَرْتُ فِيهِمْ بِشَيْءٍ فَأَقْسِمْ فِيهِمْ. قُلْتُ: لَوْ أَمَرْتَ غَيْرِي بِذَلِكَ، فَقَالَ: خُذْهُ، فَجَاءَهُ يَرْفَأُ فَقَالَ: يَا أَمِيرَ الْمُؤْمِنِينَ هَلْ لَكَ فِي عُثْمَانَ بنِ عَفَّانَ وَعَبْدِ الرَّحْمَنِ بنِ عَوْفٍ وَالزُّبَيْرِ بنِ الْعَوَّامِ وَسَعْدِ بنِ أَبي وَقَّاصٍ؟ قَالَ: نَعَمْ، فَأَذِنَ لَهُمْ فَدَخَلُوا، ثُمَّ جَاءَهُ يَرْفَأُ، فَقَالَ: يَا أَمِيرَ الْمُؤْمِنِينَ هَلْ لَكَ فِي الْعَبَّاسِ وَعَلِيٍّ؟ قال: نَعَمْ، فَأَذِنَ لَهُمْ فَدَخَلُوا. قَالَ الْعَبَّاسُ: يَا أَمِيرَ الْمُؤْمِنِينَ اقْضِ بَيْنِي وَبَيْنَ هَذَا ـ يَعْنِي عَلِيًّا ـ فَقَالَ بَعْضُهُمْ: أَجَلْ يَا أَمِيرَ الْمُؤْمِنِينَ اقْضِ بَيْنَهُمَا وَأَرِحْهُمَا.

قَالَ مَالِكُ بنُ أَوْسٍ: خُيِّلَ إِلَيَّ أَنَّهُمَا قَدَّمَا أُولَئِكَ النَّفَرَ لِذَلِكَ.

فَقَالَ عُمَرُ رَضِيَ اللَّهِ عَنْهُ: اتَّئِدَا، ثُمَّ أَقْبَلَ عَلَى أُولَئِكَ الرَّهْطِ فَقَالَ: أَنْشُدُكُمْ باللَّهِ الَّذِي بِإِذْنِهِ تَقُومُ السَّمَاءُ وَالأَرْضُ هَلْ تَعْلَمُونَ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «**لا نُورَثُ، مَا تَرَكْنَا صَدَقَةٌ**»؟ قَالُوا: نَعَمْ، ثُمَّ أَقْبَلَ عَلَى عَلِيٍّ وَالْعَبَّاسِ رَضِيَ اللَّهِ عَنْهُمَا فَقَالَ: أَنْشُدُكُمَا بِاللَّهِ الَّذِي بِإِذْنِهِ تَقُومُ السَّمَاءُ وَالأَرْضُ هَلْ تَعْلَمَانِ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «**لاَ نُورَثُ، مَا تَرَكْنَا صَدَقَةٌ**»؟ فَقَالاَ: نَعَمْ. قَالَ: فَإِنَّ اللَّهَ خَصَّ رَسُولَ اللَّهِ ﷺ بِخَاصَّةٍ لَمْ يَخُصَّ بِهَا أَحَدًا مِنَ النَّاسِ، فَقَالَ اللَّهُ تَعَالَى: ﴿**وَمَآ أَفَآءَ ٱللَّهُ عَلَىٰ رَسُولِهِۦ مِنۡهُمۡ فَمَآ أَوۡجَفۡتُمۡ عَلَيۡهِ مِنۡ خَيۡلٖ وَلَا رِكَابٖ وَلَٰكِنَّ ٱللَّهَ يُسَلِّطُ رُسُلَهُۥ عَلَىٰ مَن يَشَآءُۚ وَٱللَّهُ عَلَىٰ كُلِّ شَيۡءٖ قَدِيرٞ ٦**﴾ [الحشر: 6]. وَكَانَ اللَّهُ تَعَالَى أَفَاءَ عَلَى رَسُولِهِ بَنِي النَّضِيرِ، فَوَاللَّهِ مَا اسْتَأْثَرَ

over any He pleases: and Allah has power over all things." (The Mustering "Al-Hashr" 6) Umar added: "So Allah's Apostle "Allah's blessing and peace be upon him" distributed among you the property of Banu An-Nadir, but, by Allah, neither did he favour himself with it to your exclusion, nor did he take possession of it and leave you, (on the contrary, he distributed it amongst you). The Messenger of Allah "Allah's blessing and peace be upon him" used to spend his yearly expenses or the yearly expenses of his family out of this property, and used to keep the rest of its revenue to be spent in Allah's Cause." then he turned his face to the present people and said: "I beseech you by Allah by Whose Permission the Heaven and the Earth exist, do you know that?" They replied: "Yes." then he turned his face to Ali and Abbas and said: "I beseech you by Allah by Whose Permission the Heaven and the Earth exist, do you know that?" They replied in the affirmative. Umar added: "When Allah had taken His Prophet unto Him, Abu Bakr said: "I am the successor of The Messenger of Allah "Allah's blessing and peace be upon him"." Then, both of you came to him: You (Abbas) demanded your inheritance from your nephew, and this (Ali) demanded the inheritance of his wife from her father, whereupon Abu Bakr said that The Messenger of Allah "Allah's blessing and peace be upon him" said: "We (Prophets) should not be inherited, for what we leave should be used for charity." and Allah knows that he was true, pious, rightly-guided, and a follower of what is right. Then Allah took Abu Bakr unto Him and I said: "I'm the (second) successor of The Messenger of Allah "Allah's blessing and peace be upon him", and the successor of Abu Bakr." So, I became in charge of that (property) as long as Allah Almighty willed. Then, you both (Ali and Abbas) came to talk to me, bearing the same claim and presenting the same case. You asked me to hand over it to you. I said to you: "I am ready to hand over this property to you if you wish, on the condition that you would take Allah's Pledge that you would manage it in the same way as The Messenger of Allah "Allah's blessing and peace be upon him" used to do," and you took it on that condition." He said: " Now, both of you come to me in order to give a (different) judgement between you. No, by Allah, I will never give any judgement between you other than that (I have already given) until the Hour is established. If you are unable to manage it, then return it to me (and I will do the job on your behalf)."

Abu Dawud says: They came to him with the intention to have him divide it into two halves between them, and not because they were ignorant of the statement of the Messenger of Allah "Allah's blessing and peace be upon him": "Our (prophets') property will not be inherited, and whatever

بِهَا عَلَيْكُمْ وَلاَ أَخَذَهَا دُونكُمْ، وَكَانَ رَسُولُ اللَّهِ ﷺ يَأْخُذُ مِنْهَا نَفَقَة سَنَةٍ أَوْ نَفقَتَهُ وَنَفَقَةَ أَهْلِهِ سَنَةً وَيَجْعَلُ مَا بَقِي أُسْوَةَ الْمَالِ.

ثُمَّ أَقْبَلَ عَلَى أُولَئِكَ الرَّهْطِ فَقَالَ: أَنْشُدُكُم بِاللَّهِ الَّذِي بِإِذْنِهِ تَقُومُ السَّمَاءُ وَالأَرْضُ هَلْ تَعْلَمُونَ ذَلِكَ؟ قَالُوا: نَعَمْ. ثُمَّ أَقْبَلَ عَلَى الْعَبَّاسِ وَعَلِيٍّ رَضِيَ اللَّهُ عَنْهُمَا فَقَالَ: أَنْشُدُكُمَا بِاللَّهِ الَّذِي بِإِذْنِهِ تَقُومُ السَّمَاءُ وَالأَرْضُ هَلْ تَعْلَمَانِ ذَلِكَ؟ قَالاَ: نَعَمْ، فَلَمَّا تُوُفِّيَ رَسُولُ اللَّهِ ﷺ قَالَ أَبُو بَكْرٍ: أَنَا وَلِيُّ رَسُولِ اللَّهِ ﷺ، فَجِئْتَ أَنْتَ وَهَذَا إِلَى أَبِي بَكْرٍ رَضِيَ اللَّهُ عَنْهُ، تَطْلُبُ أَنْتَ مِيرَاثَكَ مِن ابنِ أَخِيكَ، وَيَطْلُبُ هَذَا مِيرَاثَ امْرَأَتِهِ مِنْ أَبِيهَا، فَقَالَ أَبُو بَكْرٍ رحمه اللَّهُ: قال رَسُولُ اللَّهِ ﷺ: «**لاَ نُورَثُ، مَا تَرَكْنَا صَدَقَةٌ**»، وَاللَّهُ يَعْلَمُ إِنَّهُ لَصَادِقٌ بَارٌّ رَاشِدٌ تَابِعٌ لِلْحَقِّ، فَوَلِيَهَا أَبُو بَكْرٍ.

فَلَمَّا تُوُفِّيَ أَبُو بَكْرٍ قُلْتُ: أَنَا وَلِيُّ رَسُولِ اللَّهِ ﷺ وَوَلِيُّ أَبِي بَكْرٍ فَوَلِيتُهَا مَا شَاءَ اللَّهُ أَنْ أَلِيهَا فَجِئْتَ أَنْتَ وَهَذَا وَأَنْتُمَا جَمِيعٌ وَأَمْرُكُمَا وَاحِدٌ فَسَأَلْتُمَانِيهَا، فَقُلْتُ: إِنْ شِئْتُمَا أَنْ أَدْفَعَهَا إِلَيْكُمَا، عَلَى أَنَّ عَلَيْكُمَا عَهْدَ اللَّهِ أَنْ تَلِيَاهَا بِالَّذِي كَانَ رَسُولُ اللَّهِ ﷺ يَلِيهَا فَأَخَذْتُمَاهَا مِنِّي عَلَى ذَلِكَ ثُمَّ جِئْتُمَانِي لأَقْضِيَ بَيْنَكُمَا بِغَيْرِ ذَلِكَ وَاللَّهِ لاَ أَقْضِي بَيْنَكُمَا بِغَيْرِ ذَلِكَ حَتَّى تَقُومَ السَّاعَةُ فَإِنْ عَجَزْتُمَا عَنْهَا فَرُدَّاهَا إِلَيَّ».

قال أَبُو دَاوُدَ: إِنَّمَا سَأَلاَهُ أَنْ يَكُونَ يُصَيِّرُهُ بَيْنَهُمَا نِصْفَيْنِ لاَ أَنَّهُمَا جهلاَ أَنَّ النَّبِيَّ ﷺ قَالَ: «**لاَ نُورَثُ، مَا تَرَكْنَا صَدَقَةٌ**» فَإِنَّهُمَا

we leave, is to be used for charity." But Umar rejected and said: "I'm not to divide it (and deal with it in a way different from what the Messenger of Allah "Allah's blessing and peace be upon him" used to do): but, leave it as it is."

2964- The same story is narrated on the authority of Malik Ibn Aws, in which he said: Both Ali and Abbas fell in dispute over the property of An-Nadir that Allah had bestowed upon his Messenger with no war.

2965- It is narrated on the authority of Malik Ibn Aws Ibn Al-Hadthan that Umar (Ibn Al-Khattab) said: The property of Banu An-Nadir which Allah had transferred to His Apostle "Allah's blessing and peace be upon him" as Booty was not gained by the Muslims cavalry or camelry (i.e. were not gained through war). The property therefore, belonged especially to Allah's Apostle "Allah's blessing and peace be upon him", (from which) he used to give his family their yearly expenditure and spend what remained thereof on arms and horses to be used in Allah's Cause.

2966- It is narrated on the authority of Az-Zuhri that he said: Umar Ibn Al-Khattab said: (Allah's statement) "What Allah has bestowed on His Messenger (and taken away) from them, for this you made no expedition with either cavalry or camelry: but Allah gives power to His Messengers over any He pleases: and Allah has power over all things is a special favour bestowed upon the Messenger of Allah "Allah's blessing and peace be upon him" in particular; and this applies to Qura, Urainah, Fadak, and such and such property. (As to Allah's statement) " What Allah has bestowed on His Messenger (and taken away) from the people of the townships- belongs to Allah- to His Messenger and to kindred and orphans, the needy and the wayfarer...(Some part is due) to the indigent Muhajirs, those who were expelled from their homes and their property, while seeking Grace from Allah and (His) Good Pleasure, and aiding Allah and His Messenger: such are indeed the sincere ones" (The Mustering "Al-Hashr" 7:8) it implies all of the people to the extent that no one of the Muslim remains but that he has a portion in it, barring some of those slaves whom you have in your possession.

2967- It is narrated on the authority of Malik Ibn Aws Ibn Al-Hadthan that he said: From amongst the proofs drawn by Umar to affirm his statement, he said the following: The Messenger of Allah "Allah's blessing and peace be upon him" had three properties assigned to him in particular (since they were gained with no cavalry nor camelry): this of Banu An-Nadir, this of Khaibar, and this of Fadak. As to this of Banu An-Nadir, it

كَانَا لاَ يَطْلُبَانِ إِلاَّ الصَّوَابَ، فَقَالَ عُمَرُ: لاَ أُوقِعُ عَلَيْهِ اسْمَ الْقَسَمِ أَدَعُهُ عَلَى مَا هُوَ عَلَيْهِ.

2964 ـ حدّثنا مُحَمَّدُ بنُ عُبَيْدٍ، قال: حدَّثنا مُحَمَّدُ بنُ ثَوْرٍ، عن مَعْمَرٍ، عن الزُّهْرِيِّ، عن مَالِكِ بنِ أَوْسٍ بِهَذِهِ الْقِصَّةِ قَالَ: «وَهُمَا ـ يَعْنِي عَلِيًّا وَالْعَبَّاسَ ـ يَخْتَصِمَانِ فِيمَا أَفَاءَ اللَّهُ عَلَى رَسُولِهِ ﷺ مِنْ أَمْوَالِ بَنِي النَّضِيرِ».

قال أَبُو دَاوُدَ: أَرَادَ أَنْ لاَ يُوقَعَ عَلَيْهِ اسْمُ قَسْمٍ.

2965 ـ حدّثنا عُثْمَانُ بنُ أَبِي شَيْبَةَ وَأَحْمَدُ بنُ عَبْدَةَ المَعْنَى، أَنَّ سُفْيَانَ بنَ عُيَيْنَةَ أَخْبَرَهُمْ، عَنْ عَمْرِو بنِ دِينَارٍ، عن الزُّهْرِيِّ، عن مَالِكِ بنِ أَوْسِ بنِ الْحَدَثَانِ، عن عُمَرَ قَالَ: «كَانَتْ أَمْوَالُ بَنِي النَّضِيرِ مِمَّا أَفَاءَ اللَّهُ عَلَى رَسُولِهِ مِمَّا لَمْ يُوجِفِ الْمُسْلِمُونَ عَلَيْهِ بِخَيْلٍ وَلاَ رِكَابٍ كَانَتْ لِرَسُولِ اللَّهِ ﷺ خَالِصًا يُنْفِقُ عَلَى أَهْلِ بَيْتِهِ، قَالَ ابنُ عَبْدَةَ: يُنْفِقُ عَلَى أَهْلِهِ قُوتَ سَنَةٍ فَمَا بَقِيَ جُعِلَ فِي الْكُرَاعِ وَعُدَّةً فِي سَبِيلِ اللَّهِ. قالَ ابنُ عَبْدَةَ: فِي الْكُرَاعِ وَالسِّلاَحِ».

2966 ـ حدّثنا مُسَدَّدٌ: حدَّثنا إِسْمَاعِيلُ بنُ إِبْرَاهِيمَ، أخبرنا أَيُّوبُ، عن الزُّهْرِيِّ قَالَ: قَالَ عُمَرُ: ﴿وَمَآ أَفَآءَ ٱللَّهُ عَلَىٰ رَسُولِهِۦ مِنْهُمْ فَمَآ أَوْجَفْتُمْ عَلَيْهِ مِنْ خَيْلٍ وَلَا رِكَابٍ﴾ [الحشر: 6]. قال الزُّهْرِيُّ: قال عُمَرُ: هَذِهِ لِرَسُولِ اللَّهِ ﷺ خَاصَّةً، قُرَى عُرَيْنَةَ فَدَكَ وَكَذَا وَكَذَا ﴿مَّآ أَفَآءَ ٱللَّهُ عَلَىٰ رَسُولِهِۦ مِنْ أَهْلِ ٱلْقُرَىٰ فَلِلَّهِ وَلِلرَّسُولِ وَلِذِى ٱلْقُرْبَىٰ وَٱلْيَتَٰمَىٰ وَٱلْمَسَٰكِينِ وَٱبْنِ ٱلسَّبِيلِ﴾ [الحشر: 7]. ﴿لِلْفُقَرَآءِ ٱلْمُهَٰجِرِينَ ٱلَّذِينَ أُخْرِجُوا۟ مِن دِيَٰرِهِمْ وَأَمْوَٰلِهِمْ﴾ [الحشر: 8]، ﴿وَٱلَّذِينَ تَبَوَّءُو ٱلدَّارَ وَٱلْإِيمَٰنَ مِن قَبْلِهِمْ﴾ [الحشر: 9]، ﴿وَٱلَّذِينَ جَآءُو مِنۢ بَعْدِهِمْ﴾ [الحشر: 10]. فَاسْتَوْعَبَتْ هَذِهِ الآيَةُ النَّاسَ، فَلَمْ يَبْقَ أَحَدٌ مِنَ الْمُسْلِمِينَ إِلاَّ لَهُ فِيهَا حَقٌّ. قَالَ أَيُّوبُ: أَوْ قَالَ حَظٌّ، إِلاَّ بَعْضَ مَنْ تَمْلِكُونَ مِنْ أَرِقَّائِكُمْ.

2967 ـ حدّثنا هِشَامُ بنُ عَمَّارٍ: حدَّثنا حَاتِمُ بنُ إِسْمَاعِيلَ. (ح)، وحدَّثنا سُلَيْمَانُ بنُ دَاوُدَ المَهْرِيُّ، قال: أخبرنا ابنُ وَهْبٍ، قال: أخبرني عَبْدُ الْعَزِيزِ بنُ مُحَمَّدٍ. (ح)، وأخبرنا نَصْرُ بنُ عَلِيٍّ، قال: أخبرنا صَفْوَانُ بنُ عِيسَى، وَهَذَا لَفْظُ حَدِيثِهِ؛ كُلُّهُم، عن أُسَامَةَ بنِ زَيْدٍ، عن الزُّهْرِيِّ، عن مَالِكِ بنِ أَوْسِ بنِ الْحَدَثَانِ قَالَ: «كَانَ فِيمَا احْتَجَّ بِهِ عُمَرُ أَنَّهُ قَالَ: كَانَتْ لِرَسُولِ اللَّهِ ﷺ ثَلاَثُ صَفَايَا: بَنُو النَّضِيرِ وَخَيْبَرُ وَفَدَكُ، فَأَمَّا بَنُو النَّضِيرِ فَكَانَتْ حُبُسًا لِنَوَائِبِهِ وَأَمَّا فَدَكُ فَكَانَتْ حُبُسًا

was endowed for (his urgent needs and distresses; and as to Fadak, it was endowed for the wayfarers; and as to Khaibar, the Messenger of Allah "Allah's blessing and peace be upon him" divided it into three portions: two were distributed among the Muslims, and one for the spendings of his family, and what remained out of the spendings of his family was distributed among the poor Muhajirs.

2968- It is narrated on the authority of A'ishah: Fatimah, the daughter of The Prophet "Allah's blessing and peace be upon him" sent somebody to Abu Bakr (after being appointed as a caliph), asking for her inheritance of what The Messenger of Allah "Allah's blessing and peace be upon him" had left of the property bestowed on him by Allah from the booty gained without war in Medina, and Fadak, and what remained of one-fifth the Khaibar booty. On that, Abu Bakr said: "The Messenger of Allah "Allah's blessing and peace be upon him" said: "Our property is not inherited. Whatever we (prophets) leave, is to be given in charity, but the family of (The Prophet) Muhammad can eat from this property." By Allah, I will make no change in the state of the charity of The Messenger of Allah "Allah's blessing and peace be upon him". I also will leave it as it was during the lifetime of The Messenger of Allah "Allah's blessing and peace be upon him", of which I will dispose in the same way as The Messenger of Allah "Allah's blessing and peace be upon him" did." In this way, Abu Bakr refused to give anything of that to Fatimah.

2969- It is narrated on the authority of A'ishah: Fatimah, the daughter of The Prophet "Allah's blessing and peace be upon him" sent somebody to Abu Bakr (after being appointed as a caliph), asking for her inheritance of what The Messenger of Allah "Allah's blessing and peace be upon him" had left of the property bestowed on him by Allah from the booty gained without war in Medina, and Fadak, and what remained of one-fifth the Khaibar booty. On that, Abu Bakr said: "The Messenger of Allah "Allah's blessing and peace be upon him" said: "Our property is not inherited. Whatever we (prophets) leave, is to be given in charity, but the family of (The Prophet) Muhammad can eat from this property, i.e. the property of Allah, and they have no right to ask for anything beyond that."

2970- It is narrated on the authority of Urwah that A'ishah, the wife of The Prophet "Allah's blessing and peace be upon him", had told him: Fatimah the daughter of The Messenger of Allah "Allah's blessing and peace be upon him" asked Abu Bakr for her share from the property of The Messenger of Allah "Allah's blessing and peace be upon him" which he left

لأَبْنَاءِ السَّبِيلِ وَأَمَّا خَيْبَرُ فَجَزَّأَهَا رَسُولُ اللَّهِ ﷺ ثَلاَثَةَ أَجْزَاءٍ: جُزْأَيْنِ بَيْنَ الْمُسْلِمِينَ، وَجُزْءًا نَفَقَةً لأَهْلِهِ فَمَا فَضَلَ عَنْ نَفَقَةِ أَهْلِهِ جَعَلَهُ بَيْنَ فُقَرَاءِ الْمُهَاجِرِينَ».

2968 ـ حدّثنا يَزِيدُ بنُ خَالِدِ بنِ عَبْدِ اللَّهِ بنِ مَوْهَبٍ الْهَمْدَانِيُّ: حدَّثنا اللَّيْثُ بنُ سَعْدٍ، عن عُقَيلِ بنِ خَالِدٍ، عن ابنِ شِهَابٍ، عن عُرْوَةَ بنِ الزُّبَيْرِ، عن عَائِشَةَ زَوْجِ النَّبِيِّ ﷺ أَنَّهَا أَخْبَرَتْهُ أَنَّ فَاطِمَةَ بِنْتَ رَسُولِ اللَّهِ ﷺ أَرْسَلَتْ إِلَى أَبِي بَكْرٍ الصِّدِّيقِ تَسْأَلُهُ مِيرَاثَهَا مِنْ رَسُولِ اللَّهِ ﷺ مِمَّا أَفَاءَ اللَّهُ عَلَيْهِ بِالْمَدِينَةِ وَفَدَكَ وَمَا بَقِيَ مِنْ خُمُسِ خَيْبَرَ، فَقَالَ أَبُو بَكْرٍ: إِنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «**لاَ نُورَثُ، مَا تَرَكْنَا صَدَقَةٌ، إِنَّمَا يَأْكُلُ آلُ مُحَمَّدٍ مِنْ هَذَا الْمَالِ**»، وَإِنِّي وَاللَّهِ لاَ أُغَيِّرُ شَيْئًا مِنْ صَدَقَةِ رَسُولِ اللَّهِ ﷺ عن حَالِهَا الَّتِي كَانَتْ عَلَيْهَا فِي عَهْدِ رَسُولِ اللَّهِ ﷺ فَلأَعْمَلَنَّ فِيهَا بِمَا عَمِلَ بِهِ رَسُولُ اللَّهِ ﷺ، فَأَبَى أَبُو بَكْرٍ أَنْ يَدْفَعَ إِلَى فَاطِمَةَ مِنْهَا شَيْئًا.

2969 ـ حدّثنا عَمْرُو بنُ عُثْمَانَ الْحِمْصِيُّ: حدَّثنا أَبِي: حدَّثنا شُعَيْبُ بنُ أَبِي حَمْزَةَ، عن الزُّهْرِيِّ، قال: حَدَّثَنِي عُرْوَةُ بنُ الزُّبَيْرِ أَنَّ عَائِشَةَ زَوْجَ النَّبِيِّ ﷺ أَخْبَرَتْهُ بِهَذَا الْحَدِيثِ قَالَ: وَفَاطِمَةُ حِينَئِذٍ تَطْلُبُ صَدَقَةَ رَسُولِ اللَّهِ ﷺ الَّتِي بِالْمَدِينَةِ وَفَدَكَ وَمَا بَقِيَ مِنْ خُمُسِ خَيْبَرَ. قَالَتْ عَائِشَةُ: فَقَالَ أَبُو بَكْرٍ رضي اللَّهُ عنه: إِنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «**لاَ نُورَثُ، مَا تَرَكْنَا صَدَقَةٌ، وَإِنَّمَا يَأْكُلُ آلُ مُحَمَّدٍ فِي هَذَا الْمَالِ**» ـ يَعْنِي مَالَ اللَّهِ ـ «**لَيْسَ لَهُمْ أَنْ يَزِيدُوا عَلَى الْمَأْكَلِ**».

2970 ـ حدّثنا حَجَّاجُ بنُ أَبِي يَعْقُوبَ: حدَّثَنِي يَعْقُوبُ ـ يَعْنِي ابنَ إِبْرَاهِيمَ بنِ سَعْدٍ ـ: حَدَّثَنِي أَبِي، عن صَالِحٍ، عن ابنِ شِهَابٍ: أَخبرني عُرْوَةُ أَنَّ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا أَخْبَرَتْهُ بِهَذَا الْحَدِيثِ، قَالَ فِيهِ: «فَأَبَى أَبُو بَكْرٍ رضي اللَّهُ عنه عَلَيْهَا ذَلِكَ وَقَالَ: لَسْتُ تَارِكًا شَيْئًا كَانَ رَسُولُ اللَّهِ ﷺ يَعْمَلُ بِهِ إِلاَّ عَمِلْتُ بِهِ إِنِّي أَخْشَى إِنْ تَرَكْتُ شَيْئًا مِنْ أَمْرِهِ أَنْ أَزِيغَ.

at Khaibar and Fadak, in addition to his property at Medina (devoted for charity). Abu Bakr refused to give her that property and said: "I will not leave anything The Messenger of Allah "Allah's blessing and peace be upon him" used to do, because I am afraid that if I left something from The Prophet's tradition, then I would go astray." (Later on) Umar gave The Prophet's property (of charity) at Medina to Ali and Abbas, but Ali overpowered him (and kept it in his possession). But he withheld the properties of Khaibar and Fadak in his custody and said: "These two properties are the charity which The Messenger of Allah "Allah's blessing and peace be upon him" used for his expenditures and urgent needs. Now their management is to be entrusted to the ruler." (Az-Zuhri said: "They have been managed in this way till today.")

2971- It is narrated on the authority of Az-Zuhri that he said pertaining to Allah's saying: "What Allah has bestowed on His Messenger (and taken away) from them, for this you made no expedition with either cavalry or camelry": The Messenger of Allah "Allah's blessing and peace be upon him" made a peace treaty with the inhabitants of Fadak and other towns whose name I do not memorize, while he was besieging other people, who sent to him with their desire for making a peace treaty. The property of Banu An-Nadir was assigned to the Messenger of Allah "Allah's blessing and peace be upon him" in particular, since it was not conquered by force, but by peace treaty. The Messenger of Allah "Allah's blessing and peace be upon him" distributed it among the Muhajirs, and gave nothing to the Ansar except two who were in need.

2972- It is narrated on the authority of Al-Mughirah that he said: When Umar Ibn Abd Al-Aziz became the caliph, he gathered the offspring of Marwan and said to them: "(The property of) Fadak was for the Messenger of Allah "Allah's blessing and peace be upon him" in particular, from which he used to spend upon himself and his family, upon the young among Banu Hashim, and carry the costs of the marriage of the matrons among them; and when Fatimah asked him to make it for her (after his death), he refused, and it remained as such during the lifetime of the Messenger of Allah "Allah's blessing and peace be upon him" until he died. When Abu Bakr became the caliph, he disposed of it in the same way as the Messenger of Allah "Allah's blessing and peace be upon him" had done during his lifetime until he died. When Umar became the caliph, he managed it in the same way until he died. Then it was granted to Marwan by Uthman (when he was the caliph). Marwan granted one-third of it to Abd Al-Malik, and one-third to Abd Al-Aziz. Abd Al-Malik divided his

فَأَمَّا صَدَقَتُهُ بالمَدِينَةِ فَدَفَعَهَا عُمَرُ إِلَى عَلِيٍّ وَعَبَّاسٍ، فَغَلَبَهُ عَلِيٌّ عَلَيْهَا. وَأَمَّا خَيْبَرُ وَفَدَكُ فَأَمْسَكَهُمَا عُمَرُ وَقَالَ: هُمَا صَدَقَةُ رَسُولِ اللَّهِ ﷺ كَانَتَا لِحُقُوقِهِ الَّتِي تَعْرُوهُ وَنَوائِبِهِ وَأَمْرُهُمَا إِلَى مَنْ وَلِيَ الأَمْرَ. قَالَ: فَهُمَا عَلَى ذَلِكَ إِلَى الْيَوْمِ».

2971 ـ حدّثنا مُحَمَّدُ بنُ عُبَيْدٍ: حدّثنا ابنُ ثَوْرٍ، عن مَعْمَرٍ، عن الزُّهْرِيِّ فِي قَوْلِهِ: ﴿فَمَآ أَوۡجَفۡتُمۡ عَلَيۡهِ مِنۡ خَيۡلٖ وَلَا رِكَابٖ﴾ [الحشر: 3] قَالَ: «صَالَحَ النَّبِيُّ ﷺ أَهْلَ فَدَكَ وَقُرًى قَدْ سَمَّاهَا لاَ أَحْفَظُهَا وَهُوَ مُحَاصِرٌ قَوْمًا آخَرِينَ فَأَرْسَلُوا إِلَيْهِ بالصُّلْحِ، قَالَ: ﴿فَمَآ أَوۡجَفۡتُمۡ عَلَيۡهِ مِنۡ خَيۡلٖ وَلَا رِكَابٖ﴾ يَقُولُ: بِغَيْرِ قِتَالٍ. قَالَ الزُّهْرِيُّ: وَكَانَتْ بَنُو النَّضِيرِ لِلنَّبِيِّ ﷺ خَالِصًا لَمْ يَفْتَحُوهَا عَنْوَةً، افْتَتَحُوهَا عَلَى صُلْحٍ فَقَسَمَهَا النَّبِيُّ ﷺ بَيْنَ المُهَاجِرِينَ لَمْ يُعْطِ الأَنْصَارَ مِنْهَا شَيْئًا إِلاَّ رَجُلَيْنِ كَانَتْ بِهِمَا حَاجَةٌ».

2972 ـ حدّثنا عَبْدُ اللَّهِ بنُ الْجَرَّاحِ: حدَّثنا جَرِيرٌ، عن المُغِيرَةِ، قال: جَمَعَ عُمَرُ بنُ عَبْدِ الْعَزِيزِ بَنِي مَرْوَانَ حِينَ اسْتُخْلِفَ فَقَالَ: «إِنَّ رَسُولَ اللَّهِ ﷺ كَانَتْ لَهُ فَدَكُ فَكَانَ يُنْفِقُ مِنْهَا وَيَعُودُ مِنْهَا عَلَى صَغِيرِ بَنِي هَاشِمٍ وَيُزَوِّجُ مِنْهَا أَيِّمَهُمْ وَإِنَّ فَاطِمَةَ سَأَلَتْهُ أَنْ يَجْعَلَهَا لَهَا فَأَبَى فَكَانَتْ كَذَلِكَ فِي حَيَاةِ رَسُولِ اللَّهِ ﷺ حَتَّى مَضَى لِسَبِيلِهِ، فَلَمَّا أَنْ وُلِّيَ أَبُو بَكْرٍ رضي اللَّهُ عنه عَمِلَ فِيهَا بِمَا عَمِلَ النَّبِيُّ ﷺ فِي حَيَاتِهِ حَتَّى مَضَى لِسَبِيلِهِ، فَلَمَّا أَنْ وُلِّيَ عُمَرُ عَمِلَ فِيهَا بِمِثْلِ مَا عَمِلاَ حَتَّى مَضَى لِسَبِيلِهِ، ثُمَّ أُقْطِعَهَا مَرْوَانُ ثُمَّ صَارَتْ لِعُمَرَ بنِ عَبْدِ الْعَزِيزِ، قَالَ عُمَرُ ـ يَعْنِي ابنَ عَبْدِ الْعَزِيزِ ـ:

portion between both Al-Walid and Sulaiman, and Abd Al-Aziz granted his portion to Umar. When Al-Walid became the caliph, he gave his portion to Umar." Then, it became in the possession of Umar Ibn Abd Al-Aziz. Umar added: "In this way, I see that I have no right to have a thing which the Messenger of Allah "Allah's blessing and peace be upon him" refused to give to Fatimah; and I make you witnesses that I have restored it to the very state in which it was during the lifetime of the Messenger of Allah "Allah's blessing and peace be upon him"."

Abu Dawud says: When Umar Ibn Abd Al-Aziz became the caliph, his yearly income was forty thousand Dinars, and when he died it was no more than four hundred Dinars; and had he lived longer, it would have been reduced more than that.

2973- It is narrated on the authority of Abu At-Tufail that he said: Fatimah came to Abu Bakr in order to ask for her portion of inheritance from the property of the Messenger of Allah "Allah's blessing and peace be upon him", thereupon Abu Bakr said to her: "If Allah Almighty granted anything to any of His Prophets, it should be under the guardianship of such as becomes his successor."

2974- It is narrated on the authority of Abu Hurairah that the Messenger of Allah "Allah's blessing and peace be upon him" said: "Let none of my heirs take even a single Dinar (from my property): what I leave beyond the spendings of my wives and the provisions of my employees (in the farm) should be given in charity."

2975- It is narrated on the authority of Abu Al-Bakhtari that he said: I heard a narration from a man, which I admired, and asked him to bring it in a written form to me; and he brought it to me in a clear written form, and it goes as follows: Both Al-Abbas and Ali entered into Umar, and with him there were sitting Talhah, Az-Zubair, Abd Ar-Rahman and Sa'd, and they were falling in dispute (over the property of the Messenger of Allah "Allah's blessing and peace be upon him"). Umar said to Talhah, Az-Zubair, Abd Ar-Rahman and Sa'd: "Do you not know that the Messenger of Allah "Allah's blessing and peace be upon him" said: "The whole property of the Prophet should be given in charity, except what is sufficient for the provisions and clothes of his family, since our (Prophets') property should not be inherited"?" they answered in the affirmative. He resumed: "The Messenger of Allah "Allah's blessing and peace be upon him" used to spend on his family, and give in charity what remained out of that. Then, the Messenger of Allah "Allah's blessing and peace be upon him" died, and

فَرَأَيْتُ أَمْرًا مَنَعَهُ النَّبِيُّ ﷺ فَاطِمَةَ لَيْسَ لِي بِحَقٍّ، وَإِنِّي أُشْهِدُكُمْ أَنِّي قَدْ رَدَدْتُهَا عَلَى مَا كَانَتْ، يَعْنِي عَلَى عَهْدِ رَسُولِ اللَّهِ ﷺ».

قال أَبُو دَاوُدَ: وُلِّيَ عُمَرُ بنُ عَبْدِ الْعَزِيزِ الْخِلَافَةَ وَغَلَّتُهُ أَرْبَعُونَ أَلْفَ دِينَارٍ وَتُوُفِّيَ وَغَلَّتُهُ أَرْبعُ مِئَةِ دِينَارٍ وَلَوْ بَقِيَ لَكَانَ أَقَلَّ.

2973 ـ حدّثنا عُثْمَانُ بنُ أَبي شَيْبَةَ: حدَّثنا مُحَمَّدُ بنُ الْفُضَيْلِ، عن الْوَلِيدِ بنِ جُمَيْعٍ، عن أَبي الطُّفَيْلِ قال: جَاءَتْ فَاطِمَةُ رضي اللَّهُ عنها إِلَى أَبي بَكْرٍ رضي اللَّه عنه تَطْلُبُ مِيرَاثَهَا مِنَ النَّبِيِّ ﷺ قَالَ فَقَالَ أَبُو بَكْرٍ رضي اللَّهُ عنه: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «**إِنَّ اللَّهَ إِذَا أَطْعَمَ نَبِيًّا طُعْمَةً فَهِيَ لِلَّذِي يَقُومُ مِنْ بَعْدِهِ**».

2974 ـ حدّثنا عَبْدُ اللَّهِ بنُ مَسْلَمَةَ، عَنْ مَالِكٍ، عن أَبي الزِّنَادِ، عن الأَعْرَجِ، عن أَبي هُرَيْرَةَ، عن رَسُولِ اللَّهِ ﷺ قَالَ: «**لاَ تَقْتَسِمُ وَرَثَتِي دِينَارًا مَا تَرَكْتُ بَعْدَ نَفَقَةِ نِسَائِي وَمُؤْنَةِ عَامِلِي فَهُوَ صَدَقَةٌ**».

قال أَبُو دَاوُدَ: «**مُؤْنَةَ عَامِلِي**» يَعْنِي أَكَرَةَ الأَرْضِ.

2975 ـ حدّثنا عَمْرُو بنُ مَرْزُوقٍ، أَخبرنا شُعْبَةُ، عن عَمْرِو بنِ مُرَّةَ، عنْ أَبِي الْبَخْتَرِيِّ قَالَ: سَمِعْتُ حَدِيثًا مِنْ رَجُلٍ فَأَعْجَبَنِي فَقُلْتُ: اكْتُبْهُ لِي، فَأَتَى بِهِ مَكْتُوبًا مُذَبَّرًا: دَخَلَ الْعَبَّاسُ وَعَلِيٌّ عَلَى عُمَرَ وَعِنْدَهُ طَلْحَةُ وَالزُّبَيْرُ وَسَعْدٌ وَعَبْدُ الرَّحْمَنِ وَهُمَا يَخْتَصِمَانِ، فَقَالَ عُمَرُ لِطَلْحَةَ وَالزُّبَيْرِ وَعَبْدِ الرَّحْمَنِ وَسَعْدٍ: أَلَمْ تَعْلَمُوا أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «**كُلُّ مَالِ النَّبِيِّ ﷺ صَدَقَةٌ إِلاَّ مَا أَطْعَمَهُ أَهْلَهُ وَكَسَاهُمْ إِنَّا لاَ نُورَثُ**»؟ قَالُوا: بَلَى، قَالَ فَكَانَ رَسُولُ اللَّهِ ﷺ يُنْفِقُ مِنْ مَالِهِ عَلَى أَهْلِهِ وَيَتَصَدَّقُ بِفَضْلِهِ ثُمَّ تُوُفِّيَ رَسُولُ اللَّهِ ﷺ، فَوَلِيَهَا أَبُو بَكْرٍ سَنَتَيْنِ، فَكَانَ يَصْنَعُ الَّذِي كَانَ يَصْنَعُ

Abu Bakr became the caliph for two years, and he did the same as the Messenger of Allah "Allah's blessing and peace be upon him" had done...and the rest is like the narration of Malik Ibn Aws.

2976- It is narrated on the authority of A'ishah that when the Messenger of Allah "Allah's blessing and peace be upon him" died, the wives of the Messenger of Allah "Allah's blessing and peace be upon him" intended to send Uthman Ibn Affan to Abu Bakr, in order to ask him for their heritage of the property of the Messenger of Allah "Allah's blessing and peace be upon him", thereupon A'ishah said to them: "Is it not that the Messenger of Allah "Allah's blessing and peace be upon him" said: "Our (Prophets') property should not be inherited, and whatever (property) we leave should be given in charity"?

2977- The same is narrated on the authority of Ibn Shihab, through the same chain of transmitters, in which she said: I said to them: "Do you not fear Allah? Have you not heard the Messenger of Allah "Allah's blessing and peace be upon him" having said: "Our (Prophets') property should not be inherited, and whatever (property) we leave should be given in charity; and this property is for the family of Muhammad as long as they spend on removing their distresses, and dealing generously with their guests; and when I die, it should go to the guardianship of my successor (to manage it accordingly)"?

[20] The Way Of Distributing One-Fifth The Booty

2978- It is narrated on the authority of Jubair Ibn Mut'im that he told that both he and Uthman Ibn Affan went to the Messenger of Allah "Allah's blessing and peace be upon him", to talk to him about his distributing one-fifth (the property of) the booty among Banu Hashim and Banu Al-Muttalib, saying: "O Messenger of Allah! You have distributed it among our brothers from Banu Hashim and Banu Al-Muttalib, even though we (Banu Abd Shams) are of the same (degree of) kinship." On that the Messenger of Allah "Allah's blessing and peace be upon him" said: "I think it is Banu Hashim and Banu Al-Muttalib who are of the same (degree of kinship)." Jubair further said: He gave neither Banu Abd Shams nor Banu Nawfal anything from that one-fifth, as he gave Banu Hashim and Banu Al-Muttalib. Abu Bakr distributed the one-fifth in the same way as the Messenger of Allah "Allah's blessing and peace be upon him" had done, with the exception that he did not give the kinship of the Messenger of Allah "Allah's blessing and peace be upon him" the same as the Messenger of Allah "Allah's blessing and peace be upon him" used to give them. But Umar Ibn Al-Khattab and Uthman after him gave them.

رَسُولُ اللَّهِ ﷺ، ثُمَّ ذَكَرَ شَيْئًا مِنْ حَدِيثِ مَالِكِ بنِ أَوْسٍ.

2976 ـ حدّثنا الْقَعْنَبِيُّ، عنْ مَالِكٍ، عنْ ابنِ شِهَابٍ، عنْ عُرْوَةَ، عنْ عَائِشَةَ أَنَّهَا قَالَتْ: «إنَّ أَزْوَاجَ النَّبِيِّ ﷺ حِينَ تُوُفِّيَ رَسُولُ اللَّهِ ﷺ أَرَدْنَ أَنْ يَبْعَثْنَ عُثْمَانَ بنَ عَفَّانَ إِلَى أَبِي بَكْرٍ الصِّدِّيقِ فَيَسْأَلْنَهُ ثُمُنَهُنَّ مِنْ رَسُولِ اللَّهِ ﷺ فَقَالَتْ لَهُنَّ عَائِشَةُ: أَلَيْسَ قَدْ قَالَ رَسُولُ اللَّهِ ﷺ: «**لاَ نُورَثُ، مَا تَرَكْنَا فَهُوَ صَدَقَةٌ**»؟

2977 ـ حدّثنا مُحَمَّدُ بنُ يَحْيَى بنِ فَارِسٍ: حدثنا إِبْرَاهِيمُ بنُ حَمْزَةَ: حدثنا حَاتِمُ بنُ إِسْمَاعِيلَ، عن أُسَامَةَ بنِ زَيْدٍ، عن ابنِ شِهَابٍ بِإِسْنَادِهِ نَحْوَهُ: قُلْتُ: أَلاَ تَتَّقِينَ اللَّهَ؟ أَلَمْ تَسْمَعْنَ رَسُولَ اللَّهِ ﷺ يَقُولُ: «**لاَ نُورَثُ، مَا تَرَكْنَا فَهُوَ صَدَقَةٌ، وَإِنَّمَا هَذَا الْمَالُ لآلِ مُحَمَّدٍ لِنَائِبَتِهِمْ وَلِضَيْفِهِمْ فَإِذَا مُتُّ فَهُوَ إِلَى مَنْ وَلِيَ الأَمْرَ مِنْ بَعْدِي**»؟.

[ت20/م19، 20] ـ باب في بيان مواضع قَسْم الخمس وسهم ذي القربى

2978 ـ حدّثنا عُبَيْدُ اللَّهِ بنُ عُمَرَ بنِ مَيْسَرَةَ: أَخبرنا عَبْدُ الرَّحْمَنِ بنُ مَهْدِيٍّ، عَنْ عَبْدِ اللَّهِ بنِ الْمُبَارَكِ، عنْ يُونُسَ بنِ يَزِيدَ، عن الزُّهْرِيِّ، قَالَ: أَخبرني سَعِيدُ بنُ الْمُسَيَّبِ، قَالَ: أَخبرني جُبَيْرُ بنُ مُطْعِمٍ: أَنَّهُ جَاءَ هُوَ وَعُثْمَانُ بنُ عَفَّانَ يُكَلِّمَانِ رَسُولَ اللَّهِ ﷺ فِيمَا قَسَمَ مِنَ الْخُمُسِ بَيْنَ بَنِي هَاشِمٍ وَبَنِي الْمُطَّلِبِ، فَقُلْتُ: يَا رَسُولَ اللَّهِ قَسَمْتَ لإِخْوَانِنَا بَنِي الْمُطَّلِبِ وَلَمْ تُعْطِنَا شَيْئًا وَقَرَابَتُنَا وَقَرَابَتُهُمْ مِنْكَ وَاحِدَةٌ. فَقَالَ النَّبِيُّ ﷺ: «**إِنَّمَا بَنُو هَاشِمٍ وَبَنُو الْمُطَّلِبِ شَيْءٌ وَاحِدٌ**».

قَالَ جُبَيْرٌ: وَلَمْ يَقْسِمْ لِبَنِي عَبْدِ شَمْسٍ وَلاَ لِبَنِي نَوْفَلٍ شَيْئًا مِنْ ذَلِكَ الْخُمُسِ كَمَا قَسَمَ لِبَنِي هَاشِمٍ وَبَنِي الْمُطَّلِبِ. قَالَ وَكَانَ أَبُو بَكْرٍ يَقْسِمُ الْخُمُسَ نَحْوَ قَسْمِ رَسُولِ اللَّهِ ﷺ غَيْرَ أَنَّهُ لَمْ يَكُنْ يُعْطِي قُرْبَى رَسُولِ اللَّهِ ﷺ مَا كَانَ النَّبِيُّ ﷺ يُعْطِيهِمْ. قَالَ: فَكَانَ عُمَرُ بنُ الْخَطَّابِ يُعْطِيهِمْ مِنْهُ وَعُثْمَانُ بَعْدَهُ.

2979- It is narrated on the authority of Jubair Ibn Mut'im that he said: He gave neither Banu Abd Shams nor Banu Nawfal anything from that one-fifth, as he gave Banu Hashim and Banu Al-Muttalib. Abu Bakr distributed the one-fifth in the same way as the Messenger of Allah "Allah's blessing and peace be upon him" had done, with the exception that he did not give the kinship of the Messenger of Allah "Allah's blessing and peace be upon him" the same as the Messenger of Allah "Allah's blessing and peace be upon him" used to give them. But Umar Ibn Al-Khattab and his successors after him gave them.

2980- It is narrated on the authority of Jubair Ibn Mut'im that he said: When it was the day of (the holy day of) Khaibar, the Messenger of Allah "Allah's blessing and peace be upon him" distributed the share of his kinship among Banu Hashim and Banu Al-Muttalib, and assigned nothing to Banu Abd Shams and Banu Nawfal. I and Uthman Ibn Affan went to the Messenger of Allah "Allah's blessing and peace be upon him" and said: "O Messenger of Allah! Those are our brethren from amongst Banu Hashim, and we do not deny their superiority in view of the position in which Allah Almighty has placed you from them: why have you given our brethren from Banu Al-Muttalib and left us, even though we all are of the same (degree of) kinship?" on that the Messenger of Allah "Allah's blessing and peace be upon him" said: "We (Banu Hashim) and Banu Al-Muttalib have not parted whether during the period of ignorance or Islam. Both we and they are of the same (kinship)." The Messenger of Allah "Allah's blessing and peace be upon him" then interlaced his fingers.

2981- It is narrated on the authority of As-Suddi that he said pertaining to those of kindred: "Those are Banu Abd Al-Muttalib."

2982- It is narrated on the authority of Yazid Ibn Hurmuz that Najdah Al-Haruri performed Hajj during the affliction that happened during the caliphate of Ibn Az-Zubair, and he sent to Ibn Abbas asking him about the share of (the Prophet's) kindred: "To whom should it be given?" Ibn Abbas said: "It should be given to the kindred of the Messenger of Allah "Allah's blessing and peace be upon him", and the Messenger of Allah "Allah's blessing and peace be upon him" himself assigned it to them, and Umar suggested to give us a portion thereof, but we thought it was less than our due, thereupon we rejected to accept it from him.

2983- It is narrated on the authority of Ali that he said: "The Messenger of Allah "Allah's blessing and peace be upon him" appointed me in charge of one-fifth the one-fifth, which I spent in its places properly during the

2979 ـ حدّثنا عُبَيْدُ اللَّهِ بنُ عُمَرَ: حدَّثنا عُثْمَانُ بنُ عُمَرَ، قالَ: أَخْبَرَنِي يُونُسُ، عَنْ الزُّهْرِيِّ، عنْ سَعِيدِ بنِ المُسَيَّبِ، قَالَ: أخبرنا جُبَيْرُ بنُ مُطْعِمٍ: «أَنَّ رَسُولَ اللَّهِ ﷺ لَمْ يَقْسِمْ لِبَنِي عَبْدِ شَمْسٍ وَلاَ لِبَنِي نَوْفَلٍ مِنَ الخُمُسِ شَيْئًا كَمَا قَسَمَ لِبَنِي هَاشِمٍ وَبَنِي المُطَّلِبِ. قَالَ: وَكَانَ أَبُو بَكْرٍ يَقْسِمُ الْخُمُسَ نَحْوَ قَسْمِ رَسُولِ اللَّهِ ﷺ غَيْرَ أَنَّهُ لَمْ يَكُنْ يُعْطِي قُرْبَى رَسُولِ اللَّهِ ﷺ كَمَا كَانَ يُعْطِيهِمْ رَسُولُ اللَّهِ ﷺ وَكَانَ عُمَرُ يُعْطِيهِمْ وَمَنْ كَانَ بَعْدَهُ مِنَّا».

2980 ـ حدّثنا مُسَدَّدٌ: حدَّثنا هُشَيْمٌ، عن مُحَمَّدِ بنِ إِسْحَاقَ، عن الزُّهْرِيِّ، عن سَعِيدِ بنِ المُسَيَّبِ قَالَ: أخبرني جُبَيْرُ بنُ مُطْعِمٍ قَالَ: «لَمَّا كَانَ يَوْمُ خَيْبَرَ وَضَعَ رَسُولُ اللَّهِ ﷺ سَهْمَ ذِي الْقُرْبَى فِي بَنِي هَاشِمٍ وَبَنِي المُطَّلِبِ وَتَرَكَ بَنِي نَوْفَل وَبَنِي عَبْدِ شَمْسٍ، فَانْطَلَقْتُ أَنَا وَعُثْمَانُ بنُ عَفَّانَ حَتَّى أَتَيْنَا النَّبِيَّ ﷺ فَقُلْنَا: يَا رَسُولَ اللَّهِ هَؤُلاَءِ بَنُو هَاشِمٍ لاَ نُنْكِرُ فَضْلَهُمْ لِلْمَوْضِعِ الَّذِي وَضَعَكَ اللَّهُ بِهِ مِنْهُمْ، فَمَا بَالُ إِخْوَانِنَا بَنِي المُطَّلِبِ أَعْطَيْتَهُمْ وَتَرَكْتَنَا وَقَرَابَتُنَا وَاحِدَةٌ؟ فَقَالَ رَسُولُ اللَّهِ ﷺ: **«أَنَا وَبَنُو المُطَّلِبِ لاَ نَفْتَرِقُ فِي جَاهِلِيَّةٍ وَلاَ إِسْلاَمٍ، وَإِنَّمَا نَحْنُ وَهُمْ شَيْءٌ وَاحِدٌ»**، وَشَبَّكَ بَيْنَ أَصَابِعِهِ ﷺ».

2981 ـ حدّثنا حُسَيْنُ بنُ عَلِيٍّ الْعِجْلِيُّ: حدَّثنا وَكِيعٌ، عن الْحَسَنِ بنِ صَالِحٍ، عن السُّدِّيِّ فِي ذِي الْقُرْبَى قَالَ: «هُمْ بَنُو عَبْدِ المُطَّلِبِ».

2982 ـ حدّثنا أَحْمَدُ بنُ صَالِحٍ: حدَّثنا عَنْبَسَةُ: حدَّثنا يُونُسُ، عن ابنِ شِهَابٍ قَالَ: أخبرنا يَزِيدُ بنُ هُرْمُزَ: «أَنَّ نَجْدَةَ الْحَرُورِيَّ حِينَ حَجَّ فِي فِتْنَةِ ابنِ الزُّبَيْرِ أَرْسَلَ إِلَى ابنِ عَبَّاسٍ يَسْأَلُهُ عَنْ سَهْمِ ذِي الْقُرْبَى وَيَقُولُ: لِمَنْ تَرَاهُ؟ قال ابنُ عَبَّاسٍ: لِقُرْبَى رَسُولِ اللَّهِ ﷺ قَسَمَهُ لَهُمْ رَسُولُ اللَّهِ ﷺ وَقَدْ كَانَ عُمَرُ عَرَضَ عَلَيْنَا مِنْ ذَلِكَ عَرَضًا رَأَيْنَاهُ دُونَ حَقِّنَا فَرَدَدْنَاهُ عَلَيْهِ وَأَبَيْنَا أَنْ نَقْبَلَهُ».

2983 ـ حدّثنا عَبَّاسُ بنُ عَبْدِ الْعَظِيمِ: حدَّثنا يَحيَى بنُ أَبي بُكَيْرٍ: حدَّثنا أَبُو جَعْفَرٍ الرَّازِيُّ، عن مُطَرِّفٍ، عن عَبْدِ الرَّحْمَنِ بنِ أَبي لَيْلَى قال: سَمِعْتُ عَلِيًّا يَقُولُ: «وَلاَّنِي رَسُولُ اللَّهِ ﷺ خُمُسَ الْخُمُسِ فَوَضَعْتُهُ مَوَاضِعَهُ حَيَاةَ رَسُولِ اللَّهِ ﷺ

lifetime of the Messenger of Allah "Allah's blessing and peace be upon him", Abu Bakr and Umar." He brought some wealth to me, and asked me to take it, but I said: "I do not want it." He said: "Take it, you have more claim over it." I said: "We have been made independent of it (by Allah Almighty)." He assigned it to the treasury.

2984- It is narrated on the authority of Ali that he said: I was in the company of Al-Abbas, Fatimah and Zaid Ibn Harithah in the house of the Messenger of Allah "Allah's blessing and peace be upon him", and I said to the Messenger of Allah "Allah's blessing and peace be upon him": "O Messenger of Allah! If you see it better to appoint me in charge of our right of the one-fifth as shown in Allah's Book, in order distribute it properly during your lifetime, so that none would dispute me over it after your death, then do it." He did accordingly. I distributed it during the lifetime of the Messenger of Allah "Allah's blessing and peace be upon him", and then Abu Bakr made me in charge of it, (and so did Umar) until it was the last year of Umar's caliphate, a lot of property was brought to him, thereupon he set aside our right and sent to me (to take it), and I said to him: "This year, we are not in need of it, and the Muslims are more needy of it: so, give it to them." He gave it to them, and after him, no one (of the rulers) invited me to take it. After I had left Umar, I met Al-Abbas who said to me: "O Ali! This morning, you've deprived us of something which will never be restored to us." However, he was a man of deep insight.

2985- It is narrated on the authority of Abd Al-Muttalib Ibn Rabie'ah Ibn Al-Harith that Rabie'ah Ibn Al-Harith and Al-Abbas Ibn Abd Al-Muttalib met together and said to me and Al-Fadl Ibn Al-Abbas: "Go to the Messenger of Allah "Allah's blessing and peace be upon him" and say to him: "We've attained such an age as you see, and we like to get married, and you O Messenger of Allah, are the most kind, and the most ready to keep good relation with your kith and kin, and our fathers have nothing to pay dower on behalf of us. So, appoint us (to be in charge) of some of those charity (jobs). Indeed, we would (collect them and) fulfill to you as other (collectors) fulfill and would get a share as other people get." Meanwhile, there came Ali Ibn Abu Talib and stood before them, (to whom they mentioned that), thereupon he said: "The Messenger of Allah "Allah's blessing and peace be upon him" said: "No, by Allah, none o f you (Banu Hashim) would be appointed in charge of he charity jobs." Rabie'ah Ibn Al-Harith turned to him and said: "By Allah! You say so only out of your envy against us. By Allah! When you became the son-in-law of The Messenger of Allah "Allah's blessing and peace be upon him", we had no jealousy

وَحَيَاةَ أَبِي بَكْرٍ وَحَيَاةَ عُمَرَ، فَأُتِيَ بِمَالٍ فَدَعَانِي فَقَالَ: خُذْهُ، فَقُلْتُ: لاَ أُرِيدُهُ، فَقَالَ: خُذْهُ فَأَنْتُمْ أَحَقُّ بِهِ، قُلْتُ: قَدِ اسْتَغْنَيْنَا عَنْهُ، فَجَعَلَهُ فِي بَيْتِ الْمَالِ».

2984 ـ حدّثنا عُثْمَانُ بنُ أَبِي شَيْبَةَ: حدَّثنا ابنُ نُمَيْرٍ: حدثنا هَاشِمُ بنُ الْبَرِيدِ: حدثنا حُسَيْنُ بنُ مَيْمُونٍ، عن عَبْدِ اللَّهِ بنِ عَبْدِ اللَّهِ، عن عَبْدِ الرَّحْمَنِ بنِ أَبِي لَيْلَى قال: سَمِعْتُ عَلِيًّا يَقُولُ: «اجْتَمَعْتُ أَنَا وَالْعَبَّاسُ وَفَاطِمَةُ وَزَيْدُ بنُ حَارِثَةَ عِنْدَ النَّبِيِّ ﷺ فَقُلْتُ: يَا رَسُولَ اللَّهِ إِنْ رَأَيْتَ أَنْ تُوَلِّيَنِي حَقَّنَا مِنْ هَذَا الْخُمُسِ فِي كِتَابِ اللَّهِ عَزَّ وَجَلَّ فَاقْسِمْهُ حَيَاتَكَ كَيْلاَ يُنَازِعَنِي أَحَدٌ بَعْدَكَ، فَافْعَلْ، قَالَ: فَفَعَلَ ذَلِكَ.

قَالَ: فَقَسَمْتُهُ حَيَاةَ رَسُولِ اللَّهِ ﷺ، ثُمَّ وَلاَّنِيهِ أَبُو بَكْرٍ، حَتَّى إِذَا كَانَتْ آخِرُ سَنَةٍ مِنْ سِنِي عُمَرَ رضي اللَّهُ عنه فَإِنَّهُ أَتَاهُ مَالٌ كَثِيرٌ، فَعَزَلَ حَقَّنَا، ثُمَّ أَرْسَلَ إِلَيَّ فَقُلْتُ: بِنَا عَنْهُ الْعَامَ غِنًى وَبِالْمُسْلِمِينَ إِلَيْهِ حَاجَةٌ، فَارْدُدْهُ عَلَيْهِمْ، فَرَدَّهُ عَلَيْهِمْ، ثُمَّ لَمْ يَدْعُنِي إِلَيْهِ أَحَدٌ بَعْدَ عُمَرَ.

فَلَقِيتُ الْعَبَّاسَ بَعْدَ مَا خَرَجْتُ مِنْ عِنْدِ عُمَرَ فَقَالَ: يَا عَلِيُّ حَرَمْتَنَا الْغَدَاةَ شَيْئًا لاَ يُرَدُّ عَلَيْنَا أَبَدًا، وَكَانَ رَجُلاً دَاهِيًا».

2985 ـ حدّثنا أَحْمَدُ بنُ صَالِحٍ: حدَّثنا عَنْبَسَةُ: حدَّثنا يُونُسُ، عن ابنِ شِهَابٍ قال: أخبرني عَبْدُ اللَّهِ بنُ الْحَارِثِ بنِ نَوْفَلٍ الْهَاشِمِيُّ: «أَنَّ عَبْدَ الْمُطَّلِبِ بنَ رَبِيعَةَ بنِ الْحَارِثِ بنِ عَبْدِ الْمُطَّلِبِ أَخْبَرَهُ أَنَّ أَبَاهُ رَبِيعَةَ بنَ الْحَارِثِ وَعَبَّاسَ بنَ عَبْدِ الْمُطَّلِبِ قَالاَ لِعَبْدِ الْمُطَّلِبِ بنِ رَبِيعَةَ وَلِلْفَضْلِ بنِ عَبَّاسٍ: ائْتِيَا رَسُولَ اللَّهِ ﷺ فَقُولاَ لَهُ: يَا رَسُولَ اللَّهِ قَدْ بَلَغْنَا مِنَ السِّنِّ مَا تَرَى وَأَحْبَبْنَا أَنْ نَتَزَوَّجَ وَأَنْتَ يَا رَسُولَ اللَّهِ أَبَرُّ النَّاسِ وَأَوْصَلُهُمْ وَلَيْسَ عِنْدَ أَبَوَيْنَا مَا يُصْدِقَانِ عَنَّا، فَاسْتَعْمِلْنَا يَا رَسُولَ اللَّهِ عَلَى الصَّدَقَاتِ فَلْنُؤَدِّ إِلَيْكَ مَا يُؤَدِّي الْعُمَّالُ وَلْنُصِبْ مَا كَانَ فِيهَا مِنْ مَرْفَقٍ.

قَالَ: فَأَتَى عَلِيُّ بنُ أَبِي طَالِبٍ وَنَحْنُ عَلَى تِلْكَ الْحَالِ فَقَالَ لَنَا: إِنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «**لاَ وَاللَّهِ لاَ يَسْتَعْمِلُ أَحَدًا مِنْكُمْ عَلَى الصَّدَقَةِ**»، فَقَالَ لَهُ رَبِيعَةُ: هَذَا مِنْ أَمْرِكَ، قَدْ نِلْتَ صِهْرَ رَسُولِ اللَّهِ ﷺ، فَلَمْ نَحْسُدْكَ عَلَيْهِ، فَأَلْقَى

against you." Ali spread his garment, on which he lay down and said: "I am the father of Al-Hasan, and I am the chief. By Allah, I would not leave my place until your sons return to you with the answer of that for which you sent them to The Messenger of Allah "Allah's blessing and peace be upon him"." I and Al-Fadl set out until we came near the gate of the chamber of the Messenger of Allah "Allah's blessing and peace be upon him" by the time the Zhuhr prayer was established, thereupon we offered prayer with the people. I and Al-Fadl ran until we preceded him to his chamber, beside which we stood till he came out. He took hold of our ears (out of kindness) and said: "Give out what you kept in your chests." He entered (the chamber) and we also entered. On that day, he was in (the house of) Zainab Bint Jahsh (since it was her turn). We urged each other to speak. Then one of us spoke with him about the matter for which our fathers sent us to him. The Messenger of Allah "Allah's blessing and peace be upon him" kept silent for a long time during which he raised his sight up to the roof of the house to the extent that we thought he would not give reply to us (and that we should speak to him in that matter once again). At the same time, Zainab pointed to us from behind the curtain not to talk (once again). Then, the Messenger of Allah "Allah's blessing and peace be upon him" lowered his sight and said to us: "the (objects of) are but the impurities of people (i.e. by which, they purify their wealth and property), and it is for this reason that (Accepting) the charity objects is not legal for Muhammad, nor for the family of Muhammad. Call to me Nawfal Ibn Al-Harith Ibn Abd Al-Muttalib, and when he was brought to him he said to him: "O Nawfal! Give you daughter in marriage to Abd Al-Muttalib." Nawfal gave me his daughter in marriage. The Messenger of Allah "Allah's blessing and peace be upon him" further said: "Call to me Mahmiyyah (and he was in charge of the one-fifth of the booty assigned to the treasury). When he came to him the Messenger of Allah "Allah's blessing and peace be upon him" said to him: "O Mahmiyyah! Marry your daughter to Al-Fadl." He married her to him. The Messenger of Allah "Allah's blessing and peace be upon him" said to Mahmiyyah: "Pay so much as a dower on behalf of both from this one-fifth of the booty." Az-Zuhri said: He (Abdullah Ibn Abdullah Ibn Nawfal) did not mention it (the amount of dower).

2986-It is narrated on the authority of Ali that he said: I got a she-camel as my share from the war booty on the day (of the battle) of Badr, and The Prophet "Allah's blessing and peace be upon him" had given me a she-camel from the one-fifth of the booty. When I intended to consummate marriage with Fatimah, the daughter of Allah's Apostle "Allah's blessing

عَلِيٌّ رِدَاءَهُ ثُمَّ اضْطَجَعَ عَلَيْهِ فَقَالَ: أَنَا أَبُو حَسَنٍ الْقَرْمُ واللَّهِ لاَ أَرِيمُ حَتَّى يَرْجِعَ إِلَيْكُمَا ابناكُما بِجَوَابِ مَا بَعَثْتُمَا بِهِ إِلَى النَّبِيِّ ﷺ.

قَالَ عَبْدُ الْمُطَّلِبِ: فَانْطَلَقْتُ أَنَا وَالْفَضْلُ حَتَّى نُوَافِقَ صَلاَةَ الظُّهْرِ قَدْ قَامَتْ، فَصَلَّيْنَا مَعَ النَّاسِ، ثُمَّ أَسْرَعْتُ أَنَا وَالْفَضْلُ إِلَى بَابِ حُجْرَةِ النَّبِيِّ ﷺ وَهُوَ يَوْمَئِذٍ عِنْدَ زَيْنَبَ بِنْتِ جَحْشٍ، فَقُمْنَا بِالْبَابِ حَتَّى أَتَى رَسُولُ اللَّهِ ﷺ فَأَخَذَ بِأُذُنِي وَأُذُنِ الْفَضْلِ ثُمَّ قَالَ: **«أَخْرِجَا مَا تُصَرِّرَانِ»**، ثُمَّ دَخَلَ فَأَذِنَ لِي وَلِلْفَضْلِ فَدَخَلْنَا فَتَوَاكَلْنَا الْكَلاَمَ قَلِيلاً، ثُمَّ كَلَّمْتُهُ أَو كَلَّمَهُ الْفَضْلُ ـ قَدْ شَكَّ فِي ذَلِكَ عَبْدُ اللَّهِ ـ كَلَّمهُ بِالَّذِي أَمَرَنَا بِهِ أَبَوَانَا.

فَسَكَتَ رَسُولُ اللَّهِ ﷺ سَاعَةً وَرَفَعَ بَصَرَهُ قِبَلَ سَقْفِ الْبَيْتِ حَتَّى طَالَ عَلَيْنَا أَنَّهُ لاَ يَرْجِعُ إِلَيْنَا شَيْئًا حَتَّى رَأَيْنَا زَيْنَبَ تُلَمِّعُ مِنْ وَرَاءِ الْحِجَابِ بِيَدِهَا، تُرِيدُ أَنْ لاَ تَعْجَلاَ وَأَنَّ رَسُولَ اللَّهِ ﷺ فِي أَمْرِنَا، ثُمَّ خَفَّضَ رَسُولُ اللَّهِ ﷺ رَأْسَهُ فَقَالَ لَنَا: **«إِنَّ هَذِهِ الصَّدَقَةَ إِنَّمَا هِيَ أَوْسَاخُ النَّاسِ وَإِنَّهَا لاَ تَحِلُّ لِمُحَمَّدٍ وَلاَ لآلِ مُحَمَّدٍ، ادْعُوا لِي نَوْفَلَ بنَ الْحَارِثِ»**، فَدُعِيَ لَهُ نَوْفَلُ بنُ الْحَارِثِ، فَقَالَ: **«يَا نَوْفَلُ أَنْكِحْ عَبْدَ الْمُطَّلِبِ»** فَأَنْكَحَنِي نَوْفَلُ ثُمَّ قَالَ النَّبِيُّ ﷺ: **«ادْعُو لِي مَحْمِيَّةَ بنَ جَزْءٍ»** وَهُوَ رَجُلٌ مِنْ بَنِي زُبَيْدٍ كَانَ رَسُولُ اللَّهِ ﷺ اسْتَعْمَلَهُ عَلَى الأَخْمَاسِ، فَقَالَ رَسُولُ اللَّهِ ﷺ لِمَحْمِيَّةَ: **«أَنْكِحِ الْفَضْلَ»** فَأَنْكَحَهُ، ثُمَّ قَالَ رَسُولُ اللَّهِ ﷺ: **«قُمْ فَأَصْدِقْ عَنْهُمَا مِنَ الْخُمُسِ كَذَا وَكَذَا شَيْئاً»** لَمْ يُسَمِّهُ لِي عَبْدُ اللَّهِ بنُ الْحَارِثِ».

2986 ـ حدّثنا أَحْمَدُ بنُ صَالِحٍ: حدَّثنا عَنْبَسَةُ بنُ خَالِدٍ: حدَّثنا يُونُسُ عن ابْنِ شِهَابٍ، قالَ: أخبرني عَلِيُّ بنُ حُسَيْنٍ أَنَّ حُسَيْنَ بنَ عَلِيٍّ أَخْبَرَهُ أَنَّ عَلِيَّ بنَ أَبِي طَالِبٍ قَالَ: «كَانَ لِي شَارِفٌ مِنْ نَصِيبِي مِنَ الْمَغْنَمِ يَوْمَ بَدْرٍ وَكَانَ رَسُولُ اللَّهِ ﷺ أَعْطَانِي شَارِفًا مِنَ الْخُمُسِ يَوْمَئِذٍ، فَلَمَّا أَرَدْتُ أَنْ أَبْتَنِيَ بِفَاطِمَةَ بِنْتِ رَسُولِ اللَّهِ ﷺ وَاعَدْتُ رَجُلاً صَوَّاغًا مِن

and peace be upon him", I had an appointment with a goldsmith from the tribe of Banu Qainuqa to go with me to bring Idhkhir (grass of pleasant smell) so that I might sell it to the goldsmiths and spend its price on my wedding party. I was collecting for my she-camels equipment of saddles, sacks and ropes while my two she-camels were kneeling down beside the room of an Ansari man. I returned after collecting whatever I collected, to see the humps of my two she-camels cut off, their flanks cut open and a portion of their livers was taken out. When I saw that state of my two she-camels, I could not help weeping. I asked: "Who did so?" The people replied: "Hamzah Ibn Abd Al-Muttalib who is staying with some Ansari drunks in this house, having a songstress singing to him and his companions. She recited the following in her song: "O Hamzah! (Kill) the fat old she camels (and serve them to your guests)." So Hamzah took his sword, went towards the two she-camels, cut off their humps with his sword, opened their flanks, and took a part of their livers." I went away till I reached The Prophet "Allah's blessing and peace be upon him" and Zaid Ibn Harithah was with him. When The Prophet "Allah's blessing and peace be upon him" noticed on my face the effect of what I had suffered, he asked: "What is wrong with you." I replied: "O Allah's Apostle! I have never seen such a (dreadful) sight as I saw today. Hamzah attacked my two she-camels, cut off their humps, and ripped open their flanks. He is sitting there in a house in the company of some drunks." The Prophet "Allah's blessing and peace be upon him" then asked for his covering sheet, put it on, and set out walking followed by me and Zaid Ibn Harithah till he came to the house where Hamzah was. He asked permission to enter, and he was allowed, and they were drunk. The Messenger of Allah "Allah's blessing and peace be upon him" started blaming Hamzah for what he had done, but Hamzah was drunk and his eyes were red. Hamzah looked at The Messenger of Allah "Allah's blessing and peace be upon him" and then he raised his eyes. Then he looked at his knees, and raised up his eyes looking at his umbilicus. Then he raised up his eyes looking at his face. Hamzah then said: "Aren't you but the slaves of my father?" The Messenger of Allah "Allah's blessing and peace be upon him" realized that he was drunk. So The Messenger of Allah "Allah's blessing and peace be upon him" retreated, and we went out with him.

2987- It is narrated on the authority of Umm Al-Hakam or Duba'ah, both daughters of Az-Zubair Ibn Abd Al-Muttalib that she said: The Messenger of Allah "Allah's blessing and peace be upon him" got captives, and I, my sister and Fatimah, the daughter of the Messenger of Allah

بَنِي قَيْنُقَاعَ أَنْ يَرْتَحِلَ مَعِي فَنَأْتِي بِإِذْخِرَ، أَرَدْتُ أَنْ أَبِيعَهُ مِنَ الصَّوَّاغِينَ فَأَسْتَعِينَ بِهِ فِي وَلِيمَةِ عُرْسِي.

فَبَيْنَا أَنَا أَجْمَعُ لِشَارِفَيَّ مَتَاعًا مِنَ الأَقْتَابِ وَالْغَرَائِزِ وَالْحِبَالِ، وَشَارِفَايَ مُنَاخَانِ إِلَى جَنْبِ حُجْرَةِ رَجُلٍ مِنَ الأَنْصَارِ، أَقْبَلْتُ حِينَ جَمَعْتُ مَا جَمَعْتُ، فَإِذَا بِشَارِفَيَّ قَدِ اجْتُبَّتْ أَسْنِمَتُهُمَا وَبُقِرَتْ خَوَاصِرُهُمَا وَأُخِذَ مِنْ أَكْبَادِهِمَا، فَلَمْ أَمْلِكْ عَيْنَيَّ حِينَ رَأَيْتُ ذَلِكَ الْمَنْظَرَ فَقُلْتُ: مَنْ فَعَلَ هَذَا؟ قَالُوا: فَعَلَهُ حَمْزَةُ بنُ عَبْدِ الْمُطَّلِبِ وَهُوَ فِي هَذَا الْبَيْتِ فِي شَرْبٍ مِنَ الأَنْصَارِ غَنَّتْهُ قَيْنَةٌ وَأَصْحَابُهُ، فَقَالَتْ فِي غِنَائِهَا:

أَلاَ يَا حَمْزُ لِلشُّرُفِ النِّوَاءِ

فَوَثَبَ إِلَى السَّيْفِ فَاجْتَبَّ أَسْنِمَتَهُمَا وَبَقَرَ خَوَاصِرَهُمَا، فَأَخَذَ مِنْ أَكْبَادِهِمَا.

قَالَ عَلِيٌّ: فَانْطَلَقْتُ حَتَّى أَدْخُلَ عَلَى رَسُولِ اللَّهِ ﷺ وَعِنْدَهُ زَيْدُ بنُ حَارِثَةَ، فَعَرَفَ رَسُولُ اللَّهِ ﷺ الَّذِي لَقِيتُ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «**مَا لَكَ؟**» قَالَ: قُلْتُ: يَا رَسُولَ اللَّهِ مَا رَأَيْتُ كَالْيَوْمِ، عَدَا حَمْزَةُ عَلَى نَاقَتَيَّ فَاجْتَبَّ أَسْنِمَتَهُمَا وَبَقَرَ خَوَاصِرَهُمَا وَهَا هُوَ ذَا فِي بَيْتٍ مَعَهُ شَرْبٌ.

فَدَعَا رَسُولُ اللَّهِ ﷺ بِرِدَائِهِ فَارْتَدَاهُ، ثُمَّ انْطَلَقَ يَمْشِي وَاتَّبَعْتُهُ أَنَا وَزَيْدُ بنُ حَارِثَةَ حَتَّى جَاءَ الْبَيْتَ الَّذِي فِيهِ حَمْزَةُ، فَاسْتَأْذَنَ فَأُذِنَ لَهُ فَإِذَا هُمْ شَرْبٌ، فَطَفِقَ رَسُولُ اللَّهِ ﷺ يَلُومُ حَمْزَةَ فِيمَا فَعَلَ، فَإِذَا حَمْزَةُ ثَمِلٌ مُحْمَرَّةٌ عَيْنَاهُ، فَنَظَرَ حَمْزَةُ إِلَى رَسُولِ اللَّهِ ﷺ ثُمَّ صَعَّدَ النَّظَرَ فَنَظَرَ إِلَى رُكْبَتَيْهِ، ثُمَّ صَعَّدَ النَّظَرَ فَنَظَرَ إِلَى سُرَّتِهِ، ثُمَّ صَعَّدَ النَّظَرَ فَنَظَرَ إِلَى وَجْهِهِ، ثُمَّ قَالَ حَمْزَةُ: وَهَلْ أَنْتُمْ إِلاَّ عَبِيدٌ لأَبِي؟ فَعَرَفَ رَسُولُ اللَّهِ ﷺ أَنَّهُ ثَمِلٌ فَنَكَصَ رَسُولُ اللَّهِ ﷺ عَلَى عَقِبَيْهِ الْقَهْقَرَى فَخَرَجَ وَخَرَجْنَا مَعَهُ».

2987 ـ حدّثنا أَحْمَدُ بنُ صَالِحٍ: أخبرنا عَبْدُ اللَّهِ بنُ وَهْبٍ: حدَّثَنِي عَيَّاشُ بنُ عُقْبَةَ الْحَضْرَمِيُّ، عن الْفَضْلِ بنِ الْحَسَنِ الضَّمْرِيِّ أَنَّ أُمَّ الْحَكَمِ أَوْ ضُبَاعَةَ ابْنَتَيِ الزُّبَيْرِ بنِ عَبْدِ الْمُطَّلِبِ حَدَّثَتْهُ عَنْ إِحْدَاهُمَا أَنَّهَا قَالَتْ: أَصَابَ رَسُولُ اللَّهِ ﷺ سَبْيًا، فَذَهَبْتُ أَنَا وَأُخْتِي وَفَاطِمَةُ بِنْتُ رَسُولِ اللَّهِ ﷺ فَشَكَوْنَا إِلَيْهِ

"Allah's blessing and peace be upon him", went to him and complained to him how we were suffering, and asked him to give anything of these captives (to help in service). The Messenger of Allah "Allah's blessing and peace be upon him" said: "Indeed, the orphans (whose fathers died on the day of the holy battle) of Badr preceded you to that. But let me guide you to what is much better than that: following every (obligatory) prayer, magnify Allah thirty-three times, glorify Him thirty-three times and praise Him thirty-three times, and say: "There is no god (to be worshipped) but Allah the One and Only, with Whom there is no partner: to Him be the Dominion and to Him be all the Praises, and He has power over all things" (thirty-three times)."

2988- It is narrated on the authority of Ibn A'bad that he said: Ali said to me: Should I not relate to you something from me and Fatimah, the daughter of the Messenger of Allah "Allah's blessing and peace be upon him", and she was the dearest among his family to him? I said: Yes. He said: She kept grinding with the millstone so much until the traces of that were visible in her hand, bringing the water in the water-skin until her chest was harmed, and sweeping the house (to clean it) until her garment was covered with dust (i.e. she was doing all the housework since she had no servant to help her). At the same time, many servants were brought to the Messenger of Allah "Allah's blessing and peace be upon him", and I said to her: "Would that you go to your father and ask him for a servant!" she went to him but he was busy. She returned and he went to her on the next day and asked her: "What was your need (when you came to me)?" she kept silent, thereupon I said:, "Let me tell you O Messenger of Allah! She kept grinding with the millstone so much until the traces of that were visible in her hand, and bringing the water in the water-skin until her chest was harmed, (i.e. she was doing all the housework since she had no servant to help her). When many servants were brought to you, I told her to go to you and ask you for a servant to help her against the suffering in which she was." On that the Messenger of Allah "Allah's blessing and peace be upon him" said: "Fear Allah O Fatimah, fulfill the obligation enjoined upon you by your Lord, and do like the doing of your family! When you go to bed glorify Allah thirty-three times, praise Him thirty-three times, and magnify Him thirty-four times: the total then will be one hundred. This is much better for you than a servant." She said: "I am well-pleased with Allah Almighty, and the Messenger of Allah "Allah's blessing and peace be upon him"."

2989- The same story is narrated on the authority of Ali Ibn Al-Husain, in which he added: He gave her no servant.

مَا نَحْنُ فِيهِ وَسَأَلْنَاهُ أَنْ يَأْمُرَ لَنَا بِشَيْءٍ مِنَ السَّبْي، فَقَالَ رَسُولُ اللَّهِ ﷺ: «**سبقَكُنَّ يَتَامَى بَدْرٍ، وَلَكِنْ سَأَدُلُّكُنَّ عَلَى مَا هُوَ خَيْرٌ لَكُنَّ مِنْ ذَلِكَ: تُكَبِّرْنَ اللَّه عَلَى إِثْرِ كُلِّ صَلاَةٍ ثَلاَثًا وَثَلاَثِينَ تَكْبِيرَةً، وَثَلاَثًا وَثَلاَثِينَ تَسْبِيحَةً، وَثَلاَثًا وَثَلاَثِينَ تَحْمِيدَةً، وَلاَ إِلَهَ إِلاَّ اللَّه وَحْدَهُ لاَ شَرِيكَ لَهُ لَهُ الْمُلْكُ وَلَهُ الْحَمْدُ وَهُوَ عَلَى كُلِّ شَيْءٍ قَدِيرٌ**».

قالَ عَيَّاشٌ: وَهُمَا ابْنَتَا عَمِّ النَّبِيِّ ﷺ.

2988 ـ حدّثنا يَحْيَى بنُ خَلَفٍ: حدثنا عَبْدُ الأَعْلَى، عن سَعِيدٍ ـ يَعْنِي الْجَرِيرِيَّ ـ، عنْ أَبِي الْوَرْدِ، عن ابنِ أَعْبُدَ قَالَ: قَالَ لِي عَلِيٌّ رضي اللَّهُ عنه: «أَلاَ أُحَدِّثُكَ عَنِّي وَعَنْ فَاطِمَةَ بِنْتِ رَسُولِ اللَّهِ ﷺ؟ وَكَانَتْ مِنْ أَحَبِّ أَهْلِهِ إِلَيْهِ، قُلْتُ: بَلَى.

قَالَ: إِنَّهَا جَرَّتْ بالرَّحَى حَتَّى أَثَّرَ فِي يَدِهَا وَاسْتَقَتْ بالْقِرْبَةِ حَتَّى أَثَّرَ فِي نَحْرِهَا وَكَنَسَتِ الْبَيْتَ حَتَّى اغْبَرَّتْ ثِيَابُهَا. فَأَتَى النَّبِيَّ ﷺ خَدَمٌ فَقُلْتُ: لَوْ أَتَيْتِ أَبَاكِ فَسَأَلْتِيهِ خَادِمًا، فَأَتَتْهُ فَوَجَدَتْ عِنْدَهُ حُدَّاثًا فَرَجَعَتْ فَأَتَاهَا مِنَ الْغَدِ فَقَالَ: «**مَا كَانَ حَاجَتُكِ؟**» فَسَكَتَتْ، فَقُلْتُ: أَنَا أُحَدِّثُكَ يَا رَسُولَ اللَّهِ، جَرَّتْ بالرَّحَى حَتَّى أَثَّرَتْ فِي يَدِهَا، وَحَمَلَتْ بِالْقِرْبَةِ حَتَّى أَثَّرَتْ فِي نَحْرِهَا، فَلَمَّا أَنْ جَاءَكَ الْخَدَمُ أَمَرْتُهَا أَنْ تَأْتِيَكَ فَتَسْتَخْدِمَكَ خَادِمًا يَقِيهَا حَرَّ مَا هِيَ فِيهِ. قالَ: «**اتَّقِي اللَّه يَا فَاطِمَةُ، وَأَدِّي فَرِيضَةَ رَبِّكِ، وَاعْمَلِي عَمَلَ أَهْلِكِ، فَإِذَا أَخَذْتِ مَضْجَعَكِ، فَسَبِّحِي ثَلاَثًا وَثَلاَثِينَ، وَاحْمَدِي ثَلاَثًا وَثَلاَثِينَ، وَكَبِّرِي أَرْبَعًا وَثَلاَثِينَ، فَتِلْكَ مِئَةٌ فَهِيَ خَيْرٌ لَكِ مِنْ خَادِمٍ**»، قَالَتْ: رَضِيتُ عَنِ اللَّهِ وَعَنْ رَسُولِهِ ﷺ».

2989 ـ حدّثنا أَحْمَدُ بنُ مُحَمَّدٍ الْمَرْوَزِيُّ: حدَّثنا عَبْدُ الرَّزَّاقِ، أخبرنا مَعْمَرٌ، عن الزُّهْرِيِّ، عن عَلِيِّ بنِ حُسَيْنٍ بِهَذِهِ الْقِصَّةِ قال: «وَلَمْ يُخْدِمْهَا».

2990- It is narrated on the authority of Mujja'ah that he went to the Messenger of Allah "Allah's blessing and peace be upon him" to request the blood-money of his brother, who was killed by Banu Sadus, a branch from Banu Dhuhl, thereupon the Messenger of Allah "Allah's blessing and peace be upon him" said: "Had I made a blood-money for a pagan, I would have made a blood-money for your brother. But, I'm going to give to you a recompense. He wrote to him a document of one hundred camels to be given to him from the one-fifth of the first war booty taken from the pagans of Banu Dhuhl. He took some of that, and then Banu Dhuhl embraced Islam. Afterwards, Mujja'ah demanded the remaining of it from Abu Bakr, and he brought to him the document of the Messenger of Allah "Allah's blessing and peace be upon him", thereupon Abu Bakr wrote to him a document of twelve thousand Sa's of the charity of Al-Yamamah: four thousand of wheat, four thousand of parley, and four thousand of dates (instead of the remaining camels). The document of the Messenger of Allah "Allah's blessing and peace be upon him" in the favour of Mujja'ah went as follows: "In the Name of Allah, Most Gracious, Most Merciful: This is a document from Muhammad, the Messenger of Allah "Allah's blessing and peace be upon him", to Mujja'ah Ibn Murarah, from Banu Sulma: I've given him one hundred camels from the one-fifth of the first war booty to be gained from the pagans of Dhuhl, as remuneration for (the blood-wet of) his brother."

[21] What About The Chosen Share

2991- It is narrated on the authority of Amir Ash-Sha'bi that he said: The Messenger of Allah "Allah's blessing and peace be upon him" had a share known as the Chosen share, let it be a slave if he so liked, a slave-girl if he so liked, or a horse if he so liked, which he would select from the booty even before setting aside the one-fifth.

2992- It is narrated on the authority of Ibn Awn that he said: I asked Muhammad about the share and the Chosen share of the Messenger of Allah "Allah's blessing and peace be upon him", thereupon he said: "A share was fixed to him like the other Muslims, even though he did not take part in the fight; and as to the Chosen share, a head from the one-fifth was taken to him before making any distribution.

2993- It is narrated on the authority of Qatadah that he said: Whenever the Messenger of Allah "Allah's blessing and peace be upon him" took part in the war, he would have a Chosen share, which he would select from whichever he liked of the booty, and Safiyyah (his wife) was of that share;

2990 ـ حدّثنا مُحَمَّدٍ بنُ عِيسَى: أخبرنا عَنْبَسَةُ بنُ عَبْدِ الْوَاحِدِ الْقُرَشِيُّ، قَالَ أَبُو جَعْفَرٍ ـ يَعْنِي ابنَ عِيسَى ـ: كُنَّا نَقُولُ إِنَّهُ مِنَ الأَبْدَالِ قَبْلَ أَنْ نَسْمَعَ أَنَّ الأَبْدَالَ مِنَ الْمَوَالِي قَالَ: حَدَّثَنِي الدَّخِيلُ بنُ إِيَاسِ بنِ نُوحِ بنِ مُجَّاعَةَ، عَنْ هِلاَلِ بنِ سِرَاجِ بنِ مُجَّاعَةَ، عن أَبِيهِ، عن جَدِّهِ مُجَّاعَةَ: أَنَّهُ أَتَى النَّبِيَّ ﷺ يَطْلُبُ دِيَةَ أَخِيهِ قَتَلَتْهُ بَنُو سَدُوسٍ مِنْ بَنِي ذُهْلٍ، فَقَالَ النَّبِيُّ ﷺ: «**لَوْ كُنْتُ جَاعِلاً لِمُشْرِكٍ دِيَةً جَعَلْتُ لأَخِيكَ، وَلَكِنْ سَأُعْطِيكَ مِنْهُ عُقْبَى**»، فَكَتَبَ لَهُ النَّبِيُّ ﷺ بِمِائَةٍ مِنَ الإِبِلِ مِنْ أَوَّلِ خُمُسٍ يَخْرُجُ مِنْ مُشْرِكِي بَنِي ذُهْلٍ فَأَخَذَ طَائِفَةً مِنْهَا وَأَسْلَمَتْ بَنُو ذُهْلٍ فَطَلَبَهَا بَعْدُ مُجَّاعَةُ إِلَى أَبِي بَكْرٍ وَأَتَاهُ بِكِتَابِ النَّبِيِّ ﷺ، فَكَتَبَ لَهُ أَبُو بَكْرٍ باثْنَيْ عَشَرَ أَلْفِ صَاعٍ مِنْ صَدَقَةِ الْيَمَامَةِ أَرْبَعَةِ آلافٍ بُراً، وَأَرْبَعَةِ آلاَفٍ شَعِيرًا، وَأَرْبَعَةِ آلاَفٍ تَمْرًا، وَكَانَ فِي كِتَابِ النَّبِيِّ ﷺ لِمُجَّاعَةَ: «**بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ هَذَا كِتَابٌ مِنْ مُحَمَّدٍ النَّبِيِّ لِمجَّاعَةَ بنِ مُرَارَةَ مِنْ بَنِي سَلْمَى إِنِّي أَعْطَيْتُهُ مِائَةً مِنَ الإِبِلِ مِنْ أَوَّلِ خُمُسٍ يَخْرُجُ مِنْ مُشْرِكِي بَنِي ذُهْلٍ عُقْبَةً مِنْ أَخِيهِ**».

[ت21/م20، 21] ـ باب ما جاء في سهم الصفيِّ

2991 ـ حدّثنا مُحَمَّدُ بنُ كَثِيرٍ: أخبرنا سُفْيَانُ، عن مُطَرِّفٍ، عن عَامِرٍ الشَّعْبِيِّ قال: «كَانَ لِلنَّبِيِّ ﷺ سَهْمٌ يُدْعَى الصَّفِيَّ إِنْ شَاءَ عَبْدًا وَإِنْ شَاءَ أَمَةً، وَإِنْ شَاءَ فَرَسًا يَخْتَارُهُ قَبْلَ الْخُمُسِ».

2992 ـ حدّثنا مُحَمَّدُ بنُ بَشَّارٍ: حدَّثنا أَبُو عَاصِمٍ وَأَزْهَرُ قَالاَ: حدَّثنا ابنُ عَوْنٍ قال: «سَأَلْتُ مُحَمَّدًا عن سَهْمِ النَّبِيِّ ﷺ وَالصَّفِيِّ، قال: كَانَ يُضْرَبُ لَهُ بِسَهْمٍ مَعَ الْمُسْلِمِينَ وَإِنْ لَمْ يَشْهَدْ، وَالصَّفِيُّ يُؤْخَذُ لَهُ رَأْسٌ مِنَ الْخُمْسِ قَبْلَ كُلِّ شَيْءٍ».

2993 ـ حدّثنا مَحْمُودُ بنُ خَالِدٍ السُّلَمِيُّ: حدَّثنا عُمَرُ ـ يَعْنِي ابنَ عَبْدِ الْوَاحِدِ ـ، عن سَعِيدٍ ـ يَعْنِي ابنَ بَشِيرٍ ـ، عن قَتَادَةَ قال: «كَانَ رَسُولُ اللَّهِ ﷺ إِذَا غَزَا كَانَ لَهُ سَهْمٌ صَافٍ يَأْخُذُهُ مِنْ حَيْثُ شَاءَهُ فَكَانَتْ صَفِيَّةُ

and whenever he did not take part in the war, a share would be fixed for him (like the other Muslims), in which he would have no choice.

2994- It is narrated on the authority of A'ishah that she said: Safiyyah (the wife of the Prophet) was of the Chosen share.

2995- It is narrated on the authority of Anas Ibn Malik that he said: We came to Khaibar, and when Allah helped us conquer the fort the pretty of Safiyyah Bint Huyai was praised to him, and her husband was killed while she was still newly married, thereupon he chose her for himself. He set out (returning in the company of the army) with her until when we reached As-Sahba', she became free (from the term of her Iddat), and then he consummated marriage with her.

2996- It is narrated on the authority of Anas Ibn Malik that he said: Safiyyah fell at first in the lot of Dihyah Al-Kalbi, and then she became for the Messenger of Allah "Allah's blessing and peace be upon him".

2997- It is narrated on the authority of Anas that he said: A pretty slave-girl fell in the lot of Dihyah (Al-Kalbi), whom the Messenger of Allah "Allah's blessing and peace be upon him" bought for seven heads, and handed over to Umm Sulaim in order to make her up, and prepare her ore marriage, and she spent the period of her Iddat in her house: i.e. Safiyyah Bint Huyai.

2998- It is narrated on the authority of Anas that he said: When the captives of Khaibar were collected, Dihyah came and said: "O Allah's Prophet! Give me a slave girl from the captives." The Prophet "Allah's blessing and peace be upon him" said: "Go and take any slave girl." He went and took Safiyyah Bint Huyai. A man came to The Prophet "Allah's blessing and peace be upon him" and said: "O Allah's Apostle! You gave Safiyyah Bint Huyai to Dihyah; she is the chief mistress of the tribes of Quraizhah and An-Nadir, and she befits none but you." So The Prophet "Allah's blessing and peace be upon him" said: "Bring him along with her." Dihyah came with her. When The Prophet "Allah's blessing and peace be upon him" saw her, he said to Dihyah: "Take any slave girl from the captives other than her." The Prophet "Allah's blessing and peace be upon him" then manumitted and married her (and her dower was her manumission).

2999- It is narrated on the authority of Yazid Ibn Abdullah that he said: We were in the place of drying dates when a man with unkempt hair came, having a piece of red leather in his hand. We said to him: "You seem to be from amongst the desert dwellers." He answered in the affirmative. We

مِنْ ذَلِكَ السَّهْمِ، وَكَانَ إِذَا لَمْ يَغْزُ بِنَفْسِهِ ضُرِبَ لَهُ بِسَهْمِهِ وَلَمْ يُخَيَّرْ».

2994 ـ حدّثنا نَصْرُ بنُ عَلِيٍّ: حدَّثنا أَبُو أَحْمَدَ، أخبرنا سُفْيَانُ، عن هِشَامِ بنِ عُرْوَةَ، عن أَبِيهِ، عن عَائِشَةَ قَالَتْ: «كَانَتْ صَفِيَّةُ مِنَ الصَّفِيِّ».

2995 ـ حدّثنا سَعِيدُ بنُ مَنْصُورٍ: حدَّثنا يَعْقُوبُ بنُ عَبْدِ الرَّحْمَنِ الزُّهْرِيُّ، عن عَمْرِو بنِ أَبِي عَمْرٍو، عن أَنَسِ بنِ مَالِكٍ قال: «قَدِمْنَا خَيْبَرَ، فَلَمَّا فَتَحَ اللَّهُ تَعَالَى الْحِصْنَ، ذُكِرَ لَهُ جَمَالُ صَفِيَّةَ بِنْتِ حُيَيٍّ وَقَدْ قُتِلَ زَوْجُهَا وَكَانَتْ عَرُوسًا، فَاصْطَفَاهَا رَسُولُ اللَّهِ ﷺ لِنَفْسِهِ فَخَرَجَ بِهَا حَتَّى بَلَغْنَا سُدَّ الصَّهْبَاءِ حَلَّتْ فَبَنَى بِهَا».

2996 ـ حدّثنا مُسَدَّدٌ: حدَّثنا حَمَّادُ بنُ زَيْدٍ، عن عَبْدِ الْعَزِيزِ بنِ صُهَيْبٍ، عن أَنَسِ بنِ مَالِكٍ قال: «صَارَتْ صَفِيَّةُ لِدِحْيَةَ الْكَلْبِيِّ ثُمَّ صَارَتْ لِرَسُولِ اللَّهِ ﷺ».

2997 ـ حدّثنا مُحَمَّدُ بنُ خَلاَّدٍ الْبَاهِلِيُّ: حدَّثنا بَهْزُ بنُ أَسَدٍ: حدَّثنا حَمَّادٌ: أَنْبَأَنَا ثَابِتٌ، عن أَنَسٍ قَالَ: «وَقَعَ فِي سَهْمِ دِحْيَةَ جَارِيَةٌ جَمِيلَةٌ فَاشْتَرَاهَا رَسُولُ اللَّهِ ﷺ بِسَبْعَةِ أَرْؤُسٍ ثُمَّ دَفَعَهَا إِلَى أُمِّ سُلَيْمٍ تَصْنَعُهَا وَتُهَيِّئُهَا». قَالَ حَمَّادٌ: وَأَحْسِبُهُ قَالَ: «وَتَعْتَدُّ فِي بَيْتِهَا؛ صَفِيَّةُ ابْنَةُ حُيَيٍّ».

2998 ـ حدّثنا دَاوُدُ بنُ مُعَاذٍ: حدَّثنا عَبْدُ الْوَارِثِ. (ح)، وحدَّثنا يَعْقُوبُ بنُ إِبْرَاهِيمَ، المعنى، قال: حدَّثنا ابنُ عُلَيَّةَ، عن عَبْدِ الْعَزِيزِ بنِ صُهَيْبٍ، عن أَنَسٍ قال: «جُمِعَ السَّبْيُ ـ يَعْنِي بِخَيْبَرَ ـ فَجَاءَ دِحْيَةُ فَقَالَ: يَا رَسُولَ اللَّهِ أَعْطِنِي جَارِيَةً مِنَ السَّبْيِ، قَالَ: «**اذْهَبْ وَخُذْ جَارِيَةً**»، فَأَخَذَ صَفِيَّةَ ابْنَةَ حُيَيٍّ فَجَاءَ رَجُلٌ إِلَى النَّبِيِّ ﷺ فَقَالَ: يَا رَسُولَ اللَّهِ أَعْطَيْتَ دِحْيَةَ ـ قَالَ يَعْقُوبُ ـ صَفِيَّةَ ابْنَةَ حُيَيٍّ سَيِّدَةَ قُرَيْظَةَ وَالنَّضِيرِ ـ ثُمَّ اتَّفَقَا ـ مَا تَصْلُحُ إِلاَّ لَكَ، قَالَ: ادْعُوهُ بِهَا، فَلَمَّا نَظَرَ إِلَيْهَا النَّبِيُّ ﷺ قَالَ لَهُ: «**خُذْ جَارِيَةً مِنَ السَّبْيِ غَيْرَهَا**»، وَإِنَّ النَّبِيَّ ﷺ أَعْتَقَهَا وَتَزَوَّجَهَا».

2999 ـ حدّثنا مُسْلِمُ بنُ إِبْرَاهِيمَ: حدَّثنا قُرَّةُ قال: سَمِعْتُ يَزِيدَ بنَ عَبْدِ اللَّهِ قال: «كُنَّا بِالمِرْبَدِ فَجَاءَ رَجُلٌ أَشْعَثُ الرَّأْسِ بِيَدِهِ قِطْعَةُ أَدِيمٍ أَحْمَرَ فَقُلْنَا: كَأَنَّكَ مِنْ أَهْلِ الْبَادِيَةِ؟ فَقَالَ: أَجَلْ. قُلْنَا: نَاوِلْنَا هَذِهِ الْقِطْعَةَ الأَدِيمَ

said: "Show us this piece of leather which is in your hand." He gave it to us, and we read in it: "From Muhammad, the Messenger of Allah "Allah's blessing and peace be upon him", to the sons of Zuhair Ibn Uqaish: If you bear testimony to the fact that there is no god (to be worshipped) but Allah, and that Muhammad is the Messenger of Allah "Allah's blessing and peace be upon him", establish the obligatory prayers, practice the regular charity, pay one-fifth the booty, the share of the Messenger of Allah "Allah's blessing and peace be upon him", and the Prophet's Chosen share, you then will have become safe with the safety of Allah and His Messenger." We asked him: Who did write this document to you? he said: The Messenger of Allah "Allah's blessing and peace be upon him".

[22] How Were The Jews Expelled From Medina

3000- It is narrated on the authority of Abd Ar-Rahman Ibn Abdullah Ibn Ka'b Ibn Malik from his father, and he was one of the three to whom Allah Almighty turned in repentance (when they failed to attend with the Messenger of Allah "Allah's blessing and peace be upon him" the holy battle of Tabuk), that Ka'b Ibn Al-Ashraf used to lament the Messenger of Allah "Allah's blessing and peace be upon him", and instigate the infidels of Quraish against him. When the Messenger of Allah "Allah's blessing and peace be upon him" came to Medina, its inhabitants were a mixture of people: the Muslims and the pagans who used to worship the idols, in addition to the Jews, who used to do harm to the Messenger of Allah "Allah's blessing and peace be upon him" and his companions, thereupon Allah Almighty commanded his Prophet to keep patient and forgive them; and it is in connection with them that the following statement was revealed: "and you shall certainly hear much that will grieve you, from those who received the Book before you and from those who worship many gods. But if you persevere patiently, and guard against evil, then that will be a determining factor in all affairs." (Al Imran 186) when Ka'b Ibn Al-Ashraf refused to retract from harming the Messenger of Allah "Allah's blessing and peace be upon him", the Messenger of Allah "Allah's blessing and peace be upon him" ordered Sa'd Ibn Mu'adh to send a group of people to kill him. He sent Muhammad Ibn Maslamah and he succeeded to kill him. When he was killed, the Jews and pagans were scared and they went to the Messenger of Allah "Allah's blessing and peace be upon him" in the morning, and said: "Our companion (Ka'b Ibn Al-Ashraf) was visited and killed at night." The Messenger of Allah "Allah's blessing and peace be upon him" made a mention to them of whatever (wickedness and evil) he said (about him and the Muslims), and at the same time, the Messenger of

الَّتِي فِي يَدِكَ، فَنَاوَلْنَاهَا، فَقَرَأْنَاهَا فَإِذَا فِيهَا: «مِنْ مُحَمَّدٍ رَسُولِ اللَّهِ إِلَى بَنِي زُهَيْرِ بنِ أُقَيْش، إِنَّكُمْ إِنْ شَهِدْتُمْ أَنْ لاَ إِلَهَ إِلاَّ اللَّه وَأَنَّ مُحَمَّدًا رَسُولُ اللَّهِ وَأَقَمْتُمُ الصَّلاَةَ وَآتَيْتُمُ الزَّكَاةَ وَأَدَّيْتُمُ الْخُمُسَ مِنَ الْمَغْنَمِ وَسَهْمَ النَّبِيِّ ﷺ وَسَهْمَ الصَّفِيِّ أَنْتُمْ آمِنُونَ بِأَمَانِ اللَّهِ وَرَسُولِهِ»، فَقُلْنَا: مَنْ كَتَبَ لَكَ هَذَا الْكِتَابَ؟ قَالَ: رَسُولُ اللَّهِ ﷺ».

[ت22/م21، 22] ـ باب كيف كان إخراج اليهود من المدينة؟

3000 ـ حدّثنا مُحَمَّدُ بنُ يَحْيَى بنِ فَارِسَ، أَنَّ الْحَكَمَ بنَ نَافِعٍ حَدَّثَهُمْ قال: أخبرنا شُعَيْبٌ، عن الزُّهْرِيِّ، عن عَبْدِ الرَّحْمَنِ بنِ عَبْدِ اللَّهِ بنِ كَعْبِ بنِ مَالِكٍ، عن أَبِيهِ، وَكَانَ أَحَدَ الثَّلاَثَةِ الَّذِينَ تِيبَ عَلَيْهِمْ: وَكَانَ كَعْبُ بنُ الأَشْرَفِ يَهْجُو النَّبِيَّ ﷺ وَيُحَرِّضُ عَلَيْهِ كُفَّارَ قُرَيْشٍ، وَكَانَ النَّبِيُّ ﷺ حِينَ قَدِمَ الْمَدِينَةَ وَأَهْلُهَا أَخْلاَطٌ مِنْهُمُ الْمُسْلِمُونَ وَالْمُشْرِكُونَ يَعْبُدُونَ الأَوْثَانَ وَالْيَهُودُ، وَكَانُوا يُؤْذُونَ النَّبِيَّ ﷺ وَأَصْحَابَهُ، فَأَمَرَ اللَّهُ عَزَّ وَجَلَّ نَبِيَّهُ ﷺ بِالصَّبْرِ

Allah "Allah's blessing and peace be upon him" called them to write a peace treaty between them, by which both they should abide; and the Messenger of Allah "Allah's blessing and peace be upon him" wrote a peace treaty between both them and him and the Muslims in general.

3001- It is narrated on the authority of Ibn Abbas that when the Messenger of Allah "Allah's blessing and peace be upon him" emerged victorious over the people of Quraish in the holy battle of Badr, and then returned to Medina, he gathered the Jews in the market of Qainuqa and addressed them saying: "O community of Jews! Embrace Islam before Allah Almighty strikes you in the same way as He struck the people of Quraish." Upon this they said: "O Muhammad! Let not you be deceived by the fact that you killed a group of the Quraish, who have not been well-experienced in wars. By God! If you fight us, you will know that we're really the people (of wars), the like of whom you will never meet." on them, Allah Almighty revealed: "Say to those who reject Faith: soon will you be vanquished and gathered together to Hell, an evil bed indeed (to lie on)! There has already been for you a sign in the two armies that met (in combat): one was fighting in the cause of Allah, and the other refused to have faith in Allah; these saw them with their own eyes (as much as) twice their number. But Allah does support with his aid whom he pleaseth, and in this, there is a warning for such as have eyes to see." (Al Imran 12: 13)

3002- It is narrated on the authority of Muhaiyyisah that the Messenger of Allah "Allah's blessing and peace be upon him" said: "Whomever of the men of the Jews you catch hold of, kill him." Muhaiyyisah jumped over Shabibah, one of the Jewish traders, who used to co-live and mix with them and killed him. At that time, Huwaiyyisah had not embraced Islam, and he was elder than Muhaiyyisah. When Huwaiyyisah killed the Jew, Huwaiyyisah beat him and said: "O Allah's enemy! By Allah! Some fat within your belly might be resulting from his property (i.e. he had favour over you)."

3003- It is narrated on the authority of Abu Hurairah that he said: While we were in the Mosque, The Prophet "Allah's blessing and peace be upon him" came out and said: "Let us go to the Jews." We went out till we reached them. The Messenger of Allah "Allah's blessing and peace be upon him" stood up and called them: "O Community of Jews! If you embrace Islam, you will be safe." they said: "You have reported (Allah's message to us) O Abu Al-Qasim!" he said: "If you embrace Islam, you will be safe." They replied: "You have reported (Allah's message to us), O Abu Al-Qasim!" The Messenger of Allah "Allah's blessing and peace be upon him"

وَالْعَفْوِ فَفِيهِمْ أَنْزَلَ اللَّهُ: ﴿وَلَتَسْمَعُنَّ مِنَ ٱلَّذِينَ أُوتُوا۟ ٱلْكِتَٰبَ مِن قَبْلِكُمْ﴾ [آل عمران: 186] الآيَة.

فَلَمَّا أَبَى كَعْبُ بنُ الأَشْرَفِ أَنْ يَنْزِعَ عن أَذَى النَّبِيِّ ﷺ أَمَرَ النَّبِيُّ ﷺ سَعْدَ بنَ مُعَاذٍ أَنْ يَبْعَثَ رَهْطًا يَقْتُلُونَهُ، فَبَعَثَ مُحَمَّدَ بنَ مَسْلَمَةَ، وَذَكَرَ قِصَّةَ قَتْلِهِ، فَلَمَّا قَتَلُوهُ فَزِعَتِ الْيَهُودُ وَالْمُشْرِكُونَ، فَغَدَوْا عَلَى النَّبِيِّ ﷺ فَقَالُوا: طُرِقَ صَاحِبُنَا فَقُتِلَ فَذَكَرَ لَهُمُ النَّبِيُّ ﷺ الَّذِي كَانَ يَقُولُ وَدَعَاهُمُ النَّبِيُّ ﷺ إِلَى أَنْ يَكْتُبَ بَيْنَهُ وَبَيْنَهُمْ كِتَابًا يَنْتَهُونَ إِلَى مَا فِيهِ. فَكَتَبَ النَّبِيُّ ﷺ بَيْنَهُ وَبَيْنَهُمْ وَبَيْنَ الْمُسْلِمِينَ عَامَّةً صَحِيفَةً.

3001 - حدّثنا مُصَرِّفُ بنُ عَمْرٍو الإِيَامِيُّ: أخبرنا يُونُسُ ـ يَعْنِي ابنَ بُكَيْرٍ ـ قال: أخبرنا مُحَمَّدُ بنُ إِسْحَاقَ: حَدَّثَنِي مُحَمَّدُ بنُ أبي مُحَمَّدٍ مَوْلَى زَيْدِ بنِ ثَابِتٍ، عن سَعِيدِ بنِ جُبَيْرٍ. وَعِكْرِمَةُ، عن ابنِ عَبَّاسٍ قال: لَمَّا أَصَابَ رَسُولُ اللَّهِ ﷺ قُرَيْشًا يَوْمَ بَدْرٍ وَقَدِمَ الْمَدِينَةَ جَمَعَ الْيَهُودَ فِي سُوقِ بَنِي قَيْنُقَاعَ فَقَالَ: «**يَا مَعْشَرَ يَهُودَ أَسْلِمُوا قَبْلَ أَنْ يُصِيبَكُمْ مِثْلُ مَا أَصَابَ قُرَيْشًا**»، قَالُوا: يَا مُحَمَّدُ لاَ يَغُرَّنَّكَ مِنْ نَفْسِكَ أَنَّكَ قَتَلْتَ نَفَرًا مِنْ قُرَيْشٍ كَانُوا أَغْمَارًا لاَ يَعْرِفُونَ الْقِتَالَ إِنَّكَ لَوْ قَاتَلْتَنَا لَعَرَفْتَ أَنَّا نَحْنُ النَّاسُ وَأَنَّكَ لَمْ تَلْقَ مِثْلَنَا، فَأَنْزَلَ اللَّهِ تعالى: ﴿قُل لِّلَّذِينَ كَفَرُوا۟ سَتُغْلَبُونَ﴾ قرَأَ مُصَرِّفٌ إِلَى قَوْلِهِ: ﴿فِئَةٌ تُقَٰتِلُ فِى سَبِيلِ ٱللَّهِ وَأُخْرَىٰ كَافِرَةٌ﴾ بِبَدْرٍ ﴿وَأُخْرَىٰ كَافِرَةٌ﴾ [آل عمران: 12].

3002 - حدّثنا مُصَرِّفُ بنُ عَمْرٍو: حدَّثنا يُونُسُ، قال ابنُ إِسْحَاقَ: حَدَّثَنِي مَوْلًى لِزَيْدِ بنِ ثَابِتٍ قَالَ: حَدَّثَتْنِي بِنْتُ مُحَيِّصَةَ عَنْ أَبِيهَا مُحَيِّصَةَ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «**مَنْ ظَفِرْتُمْ بِهِ مِنْ رِجَالِ يَهُودَ فَاقْتُلُوهُ**» فَوَثَبَ مُحَيِّصَةُ عَلَى شَبِيبَةَ رَجُلٍ مِنْ تُجَّارِ يَهُودَ كَانَ يُلاَبِسُهُمْ، فَقَتَلَهُ، وَكَانَ حُوَيِّصَةُ إِذْ ذَاكَ لَمْ يُسْلِمْ وَكَانَ أَسَنَّ مِنْ مُحَيِّصَةَ، فَلَمَّا قَتَلَهُ جَعَلَ حُوَيِّصَةُ يَضْرِبُهُ وَيَقُولُ: يَا عَدُوَّ اللَّهِ، أَمَا وَاللَّهِ لَرُبَّ شَحْمٍ فِي بَطْنِكَ مِنْ مَالِهِ.

3003 - حدّثنا قُتَيْبَةُ بنُ سَعِيدٍ: حدَّثنا اللَّيْثُ، عن سَعِيدِ بنِ أبي سَعِيدٍ، عن أَبِيهِ، عن أَبِي هُرَيْرَةَ أَنَّهُ قَالَ: «بَيْنَا نَحْنُ فِي الْمَسْجِدِ إِذْ خَرَجَ إِلَيْنَا رَسُولُ اللَّهِ ﷺ فَقَالَ: «**انْطَلِقُوا إِلَى يَهُودَ**» فَخَرَجْنَا مَعَهُ حَتَّى جِئْنَاهُمْ فَقَامَ رَسُولُ اللَّهِ ﷺ فَنَادَاهُمْ فَقَالَ: «**يَا مَعْشَرَ يَهُودَ أَسْلِمُوا تَسْلَمُوا**». فَقَالُوا: قَدْ بَلَّغْتَ يَا أَبَا الْقَاسِمِ، فَقَالَ لَهُمْ رَسُولُ اللَّهِ ﷺ: «**أَسْلِمُوا تَسْلَمُوا**». فَقَالُوا: قَدْ بَلَّغْتَ يَا أَبَا الْقَاسِمِ، فَقَالَ لَهُمْ

said to them: "That is what I wanted (from you)." When he said to them his statement for the third time, he said: "You should know that the earth belongs to Allah and His Apostle. Indeed, I want to expel you from this land. So, if anyone amongst you owns some property, he is permitted to sell it. It should be known to you that the Earth belongs to Allah and His Apostle."

[23] The Story Of An-Nadir

3004- It is narrated on the authority of Az-Zuhri from Abd Ar-Rahman Ibn Ka'b Ibn Malik from one of the companions of the Messenger of Allah "Allah's blessing and peace be upon him" that the infidels of Quraish sent a letter to Abdullah Ibn Ubai and those who worshipped idols with him from amongst the Aws and Khazraj, after the Messenger of Allah "Allah's blessing and peace be upon him" had emigrated to Medina, in which they said: "Verily, you've given shelter to (Muhammad) our companion, and by Allah, we are going to fight him: either you should get him out or we all will come to you (with our forces to fight you and) kill your fighters and take captive your women." When this (letter) reached Abdullah Ibn Ubai, and his followers who used to worship idols, they decided unanimously to fight the Messenger of Allah "Allah's blessing and peace be upon him". When this news reached the Messenger of Allah "Allah's blessing and peace be upon him", he met them and said: "No doubt, the Quraish's threat to you has caused you to lose your mind; and they are not to make plot against you more than you intend to do against yourselves: do you intend to fight your sons and brothers?" when they heard that from the Messenger of Allah "Allah's blessing and peace be upon him", they dispersed (and gave up the idea of fight). Received that news, the infidels of Quraish sent another letter to the Jews following the holy battle of Badr, in which they said: "You are the people of armours and fortresses: either you wage war against (Muhammad) our companions, or we would do such and such (harm against you), and (you are too easy to reach in such a way that) nothing could hinder us from getting the bangs of your women (i.e. to take them as captives)." The Jews of Nadir decided to deceive the Messenger of Allah "Allah's blessing and peace be upon him", who had learnt the news of such a letter. They sent to the Messenger of Allah "Allah's blessing and peace be upon him" saying: "Get out in the company of thirty of your followers, to meet thirty of our rabbis in a place appointed, so that they would listen from you: if they trust you, we all would believe in you." When it was the following day, he went to

رَسُولُ اللَّهِ ﷺ: «**ذَلِكَ أُرِيدُ**»، ثُمَّ قَالَهَا الثَّالِثَةَ: «**اعْلَمُوا أَنَّمَا الأَرْضُ لِلَّهِ وَرَسُولِهِ، وَإِنِّي أُرِيدُ أَنْ أُجْلِيَكُمْ مِنْ هَذِهِ الأَرْضِ، فَمَنْ وَجَدَ مِنْكُمْ بِمَالِهِ شَيْئًا فَلْيَبِعْهُ وَإِلاَّ فَاعْلَمُوا أَنَّمَا الأَرْضُ لِلَّهِ وَرَسُولِهِ ـ ﷺ ـ**».

[ت23/م22، 23] ـ باب في خبر النضير

3004 ـ حدّثنا مُحَمَّدُ بنُ دَاوُدَ بنِ سُفْيَانَ: حدَّثنا عَبْدُ الرَّزَّاقِ، أخبرنا مَعْمَرٌ، عن الزُّهْرِيِّ، عن عَبْدِ الرَّحْمَنِ بن كَعْبِ بنِ مَالِكٍ، عَنْ رَجُلٍ مِنْ أَصْحَابِ النَّبِيِّ ﷺ: «أَنَّ كُفَّارَ قُرَيْشٍ كَتَبُوا إِلَى ابْنِ أُبَيٍّ وَمَنْ كَانَ يَعْبُدُ مَعَهُ الأَوْثَانَ مِنَ الأَوْسِ وَالْخَزْرَجِ وَرَسُولُ اللَّهِ ﷺ يَوْمَئِذٍ بالمَدِينَةِ قَبْلَ وَقْعَةِ بَدْرٍ: إِنَّكُمْ آوَيْتُمْ صَاحِبَنَا وَإِنَّا نُقْسِمُ بِاللَّهِ لَتُقَاتِلُنَّهُ أَوْ لَتُخْرِجُنَّهُ أَوْ لَنَسِيرَنَّ إِلَيْكُمْ بِأَجْمَعِنَا حَتَّى نَقْتُلَ مُقَاتِلَتَكُمْ وَنَسْتَبِيحَ نِسَاءَكُمْ.

فَلَمَّا بَلَغَ ذَلِكَ عَبْدَ اللَّهِ بنَ أُبَيٍّ وَمَنْ كَانَ مَعَهُ مِنْ عَبَدَةِ الأَوْثَانِ اجْتَمَعُوا لِقِتَالِ رَسُولِ اللَّهِ ﷺ، فَلَمَّا بَلَغَ ذَلِكَ النَّبِيَّ ﷺ لَقِيَهُمْ، فَقَالَ: «**لَقَدْ بَلَغَ وَعِيدُ قُرَيْشٍ مِنْكُمُ المَبَالِغَ مَا كَانَتْ تَكِيدُكُمْ بِأَكْثَرَ مِمَّا تُرِيدُونَ أَنْ تَكِيدُوا بِهِ أَنْفُسَكُمْ تُرِيدُونَ أَنْ تُقَاتِلُوا أَبْنَاءَكُمْ وَإِخْوَانَكُمْ**».

فَلَمَّا سَمِعُوا ذَلِكَ مِنَ النَّبِيِّ ﷺ تفرَّقُوا، فَبَلَغَ ذَلِكَ كُفَّارَ قُرَيْشٍ، فَكَتَبَتْ كُفَّارُ قُرَيْشٍ بَعْدَ وَقْعَةِ بَدْرٍ إِلَى الْيَهُودِ: إِنَّكُمْ أَهْلُ الْحَلْقَةِ وَالْحُصُونِ، وَإِنَّكُمْ لَتُقَاتِلُنَّ صَاحِبَنَا أَوْ لَنَفْعَلَنَّ كَذَا وَكَذَا وَلاَ يَحُولُ بَيْنَنَا وَبَيْنَ خَدَمِ نِسَائِكُمْ شَيْءٌ؛ وَهِيَ الْخَلاَخِيلُ.

فَلَمَّا بَلَغَ كِتَابُهُمُ النَّبِيَّ ﷺ أَجْمَعَتْ بَنُو النَّضِيرِ بِالْغَدْرِ، فَأَرْسَلُوا إِلَى النَّبِيِّ ﷺ اخْرُجْ إِلَيْنَا فِي ثَلاَثِينَ رَجُلاً مِنْ أَصْحَابِكَ وَلْيَخْرُجْ مِنَّا ثَلاَثُونَ حَبْرًا حَتَّى نَلْتَقِيَ بِمَكَانِ المَنْصَفِ فَيَسْمَعُوا مِنْكَ فَإِنْ صَدَّقُوكَ وَآمَنُوا بِكَ آمَنَّا بِكَ فَقَصَّ خَبَرَهُمْ، فَلَمَّا كَانَ الْغَدُ غَدَا عَلَيْهِمْ رَسُولُ اللَّهِ ﷺ بِالْكَتَائِبِ

them in the morning with his forces, and besieged them, and said to them: “By Allah, I could not feel safe of your treachery unless you give me a pledge (not to be treacherous).” But they refused to give him such a pledge. He fought them along that day, and in the following morning, he left Banu An-Nadir, and went with forces to those of Quraizhah, and asked them for a similar pledge, and they gave it to him. He then returned to Banu An-Nadir, and kept besieging them until they submitted to his command to them to leave their homes. In this way, they departed from the city, and got with them of their property as much as their mounts could carry, including the gates and wood things of their homes. The date-palms of Banu An-Nadir was then granted as booty to the Messenger of Allah “Allah’s blessing and peace be upon him”, and not to all the Muslims for they were taken with no fight. The Messenger of Allah “Allah’s blessing and peace be upon him” disturbed the greater part of them among the Emigrants, in addition to two needy ones from amongst the Ansar; and none of those remained barring what the Messenger of Allah “Allah’s blessing and peace be upon him” used to give in charity, which were in the possession of his grandsons from Fatimah, his daughter.

3005- It is narrated on the authority of Ibn Umar: Banu An-Nadir and Banu Quraizhah fought against The Prophet "Allah’s blessing and peace be upon him" (violating their peace treaty), so The Prophet " Allah’s blessing and peace be upon him " exiled Banu An-Nadir and allowed Banu Quraizhah to remain at their places (in Medina) taking nothing from them till they fought against The Prophet " Allah’s blessing and peace be upon him " again. He then killed their men and distributed their women, children and property among the Muslims, but some of them joined The Prophet " Allah’s blessing and peace be upon him " and he granted them safety, and they embraced Islam. He exiled all the Jews from Medina. They were the Jews of Banu Qainuqa, the tribe of Abdullah Ibn Salam and the Jews of Banu Harithah and all the other Jews of Medina.

[24] The Commandment Pertaining To The Land Of Khaibar

3006- It is narrated on the authority of Abdullah Ibn Umar that when the Messenger of Allah “Allah’s blessing and peace be upon him” fought the Jews of Khaibar, he overpowered them and took hold of their land and date-palms, and forced them to take shelter to their fort. They made a peace treaty with him on the condition that the Messenger of Allah “Allah’s blessing and peace be upon him” should have the whole property

فَحَصَرَهُمْ فَقَالَ لَهُمْ: «**إِنَّكُمْ وَاللَّهِ لاَ تَأْمَنُونَ عِنْدِي إِلاَّ بِعَهْدٍ تُعَاهِدُونِي عَلَيْهِ**»، فَأَبَوْا أَنْ يُعْطُوهُ عَهْدًا، فَقَاتَلَهُمْ يَوْمَهُمْ ذَلِكَ، ثُمَّ غَدَا الْغَدَ عَلَى بَنِي قُرَيْظَةَ بِالْكَتَائِبِ وَتَرَكَ بَنِي النَّضِيرِ وَدَعَاهُمْ إِلَى أَنْ يُعَاهِدُوهُ فَعَاهَدُوهُ فَانْصَرَفَ عَنْهُمْ.

وَغَدَا عَلَى بَنِي النَّضِيرِ بِالْكَتَائِبِ، فَقَاتَلَهُمْ حَتَّى نَزَلُوا عَلَى الْجَلاَءِ فَجَلَتْ بَنُو النَّضِيرِ وَاحْتَمَلُوا مَا أَقَلَّتِ الإِبِلُ مِنْ أَمْتِعَتِهِمْ وَأَبْوَابِ بُيُوتِهِمْ وَخَشَبِهَا، فَكَانَ نَخْلُ بَنِي النَّضِيرِ لِرَسُولِ اللَّهِ ﷺ خَاصَّةً أَعْطَاهُ اللَّهُ إِيَّاهَا وَخَصَّهُ بِهَا فَقَالَ تَعَالَى: ﴿وَمَآ أَفَآءَ ٱللَّهُ عَلَىٰ رَسُولِهِۦ مِنْهُمْ فَمَآ أَوْجَفْتُمْ عَلَيْهِ مِنْ خَيْلٍ وَلَا رِكَابٍ﴾ [الحشر: 6] يَقُولُ: بِغَيْرِ قِتَالٍ فَأَعْطَى النَّبِيُّ ﷺ أَكْثَرَهَا لِلْمُهَاجِرِينَ وَقَسَمَهَا بَيْنَهُمْ وَقَسَمَ مِنْهَا لِرَجُلَيْنِ مِنَ الأَنْصَارِ كَانَا ذَوَيْ حَاجَةٍ لَمْ يَقْسِمْ لأَحَدٍ مِنَ الأَنْصَارِ غَيْرِهِمَا، وَبَقِيَ مِنْهُمَا صَدَقَةُ رَسُولِ اللَّهِ ﷺ الَّتِي فِي أَيْدِي بَنِي فَاطِمَةَ رَضِيَ اللَّهُ عَنْهَا».

3005 ـ حدّثنا مُحَمَّدُ بنُ يَحْيَى بنِ فَارِسَ: أخبرنا عَبْدُ الرَّزَّاقِ: أَنْبَأَنَا ابنُ جُرَيْجٍ، عن مُوسَى بنِ عُقْبَةَ، عن نَافِعٍ، عن ابنِ عُمَرَ: «أَنَّ يَهُودَ النَّضِيرِ وَقُرَيْظَةَ حَارَبُوا رَسُولَ اللَّهِ ﷺ فَأَجْلَى رَسُولُ اللَّهِ ﷺ بَنِي النَّضِيرِ وَأَقَرَّ قُرَيْظَةَ وَمَنْ عَلَيْهِمْ حَتَّى حَارَبَتْ قُرَيْظَةُ بَعْدَ ذَلِكَ، فَقَتَلَ رِجَالَهُمْ وَقَسَمَ نِسَاءَهُمْ وَأَمْوَالَهُمْ وَأَوْلاَدَهُمْ بَيْنَ الْمُسْلِمِينَ إِلاَّ بَعْضَهُمْ لَحِقُوا بِرَسُولِ اللَّهِ ﷺ فَأَمَّنَهُمْ وَأَسْلَمُوا وَأَجْلَى رَسُولُ اللَّهِ ﷺ يَهُودَ الْمَدِينَةِ كُلَّهُمْ بَنِي قَيْنُقَاعَ، وَهُمْ قَوْمُ عَبْدِ اللَّهِ بنِ سَلاَمٍ وَيَهُودَ بَنِي حَارِثَةَ وَكُلَّ يَهُودِيٍّ كَانَ بِالْمَدِينَةِ».

[ت24/م23، 24] ـ باب ما جاء في حكم أَرض خيبر

3006 ـ حدّثنا هَارُونُ بنُ زَيْدِ بنِ أَبي الزَّرْقَاءِ: حدَّثنا أَبِي: حدَّثنا حَمَّادُ بنُ سَلَمَةَ، عن عُبَيْدِ اللَّهِ بنِ عُمَرَ قال: أَحْسِبُهُ، عن نَافِعٍ، عن ابنِ عُمَرَ: «أَنَّ النَّبِيَّ ﷺ قاتَلَ أَهْلَ خَيْبَرَ فَغَلَبَ عَلَى النَّخْلِ وَالأَرْضِ وَأَلْجَأَهُمْ إِلَى قَصْرِهِمْ، فَصَالَحُوهُ عَلَى أَنَّ لِرَسُولِ اللَّهِ ﷺ الصَّفْرَاءَ وَالْبَيْضَاءَ وَالْحَلْقَةَ وَلَهُمْ مَا

containing both gold and silver and arms, and they should have as much as their riding mounts could carry, provided that they should conceal or hide nothing of it, and if they did so, no safety nor pledge would be given to them. But, they hid a container belonging to Huyai Ibn Akhtab who was killed before the holy battle of Khaibar, which he had carried with him on the day of expelling Banu An-Nadir, and it had all of their adornments. When the Messenger of Allah "Allah's blessing and peace be upon him" asked about the container of Huyai Ibn Akhtab, they said: "It was consumed on wars and spendings." But it was found (in their luggage). The result was that Ibn Abu Al-Haqiq was killed, and their women and children fell as captives. When he intended to expel them they said to him: "O Muhammad! Let's work (as farmers) in this land, on the condition that we would have half the yields as it seems to you, and you the other half." (He agreed) and the Messenger of Allah "Allah's blessing and peace be upon him" used to give each of his wife (a yearly expenditure of) eighty Wasaqs of dates and twenty of parley.

3007- It is narrated on the authority of Ibn Umar that Umar Ibn Al-Khattab said: "O people! The Messenger of Allah "Allah's blessing and peace be upon him" agreed with the Jews (of Khaibar) that we (the Muslims) should have the right to expel them whenever we like: so, whoever has property let him join it, for I'm going to expel the Jews." He then deported them.

3008- It is narrated on the authority of Ibn Umar that he said: When Khaibar was conquered, the Jews requested The Messenger of Allah "Allah's blessing and peace be upon him" to let them stay there on the condition that they would do the labour and get half of the fruits and vegetation (as their wages). Allah's Apostle "Allah's blessing and peace be upon him" told them: "We will let you stay on this condition, as long as we wish." The half of its fruits used to be distributed as shares, from which The Messenger of Allah "Allah's blessing and peace be upon him" used to take one-fifth. The Prophet "Allah's blessing and peace be upon him" used to give each of his wives yearly one hundred Wasaqs of dates and twenty Wasaqs of barley. When Umar (became the caliph and) intended to expel the Jews, he sent to the wives of The Prophet "Allah's blessing and peace be upon him" saying: "Whoever among you likes that I should give her as much date-palms as to produce one hundred Wasaqs of dates and the land of as much yields as twenty Wasaqs of parley, and the water sufficient for that, I will do that for her, and whoever of you likes that I should set aside

حَمَلَتْ رِكَابُهُمْ عَلَى أَنْ لاَ يَكْتُمُوا وَلاَ يُغَيِّبُوا شَيْئًا، فَإِنْ فَعَلُوا فَلاَ ذِمَّةَ لَهُمْ وَلاَ عَهْدَ، فَغَيَّبُوا مَسْكًا لِحُيَيِّ بنِ أَخْطَبَ وَقَدْ كَانَ قُتِلَ قَبْلَ خَيْبَرَ كَانَ احْتَمَلَهُ مَعَهُ يَوْمَ بَنِي النَّضِيرِ حِينَ أُجْلِيَتِ النَّضِيرُ فِيهِ حُلِيُّهُمْ. وَقَالَ فَقَالَ النَّبِيُّ ﷺ لِسَعْيَةَ: «**أَيْنَ مَسْكُ حُيَيِّ بنِ أَخْطَبَ؟**» قَالَ: أَذْهَبَتْهُ الْحُرُوبُ وَالنَّفَقَاتُ، فَوَجَدُوا الْمَسْكَ فَقُتِلَ ابْنُ أَبِي الْحُقَيْقِ، وَسُبِيَ نِسَاؤهُمْ وَذَرَارِيُّهُمْ وَأَرَادَ أَنْ يُجْلِيَهُمْ فَقَالُوا: يَا مُحَمَّدُ، دَعْنَا نَعْمَلُ فِي هَذِهِ الأَرْضِ، وَلَنَا الشَّطْرُ مَا بَدَا لَكَ وَلَكُمُ الشَّطْرُ وَكَانَ رَسُولُ اللَّهِ ﷺ يُعْطِي كُلَّ امْرَأَةٍ مِنْ نِسَائِهِ ثَمَانِينَ وَسْقًا مِنْ تَمْرٍ وَعِشْرِينَ وَسْقًا مِنْ شَعِيرٍ».

3007 ـ حدّثنا أَحْمَدُ بنُ حَنْبَلٍ: حدَّثنا يَعْقُوبُ بنُ إِبْرَاهِيمَ: حدَّثنا أَبِي، عنْ ابنِ إِسْحَاقَ، قال: حَدَّثَنِي نَافِعٌ مَوْلَى عَبْدِ اللَّهِ بنِ عُمَرَ، عن عَبْدِ اللَّهِ بنِ عُمَرَ أَنَّ عُمَرَ قالَ: «يَا أَيُّهَا النَّاسُ إِنَّ رَسُولَ اللَّهِ ﷺ كَانَ عَامَلَ يَهُودَ خَيْبَرَ عَلَى أَنَّا نُخْرِجُهُمْ إِذَا شِئْنَا، وَمَنْ كَانَ لَهُ مَالٌ فَلْيَلْحَقْ بِهِ فَإِنِّي مُخْرِجٌ يَهُودَ فَأَخْرَجَهُمْ».

3008 ـ حدّثنا سُلَيْمَانُ بنُ دَاوُدَ الْمَهْرِيُّ: أَخبرنا ابنُ وَهْبٍ: أَخبرني أُسَامَةُ بنُ زَيْدٍ اللَّيْثِيُّ، عن نَافِعٍ، عن عَبْدِ اللَّهِ بنِ عُمَرَ، قالَ: «لَمَّا افْتُتِحَتْ خَيْبَرُ سَأَلَتْ يَهُودُ رَسُولَ اللَّهِ ﷺ أَنْ يُقِرَّهُمْ عَلَى أَنْ يَعْمَلُوا عَلَى النِّصْفِ مِمَّا خَرَجَ مِنْهَا، فَقَالَ رَسُولُ اللَّهِ ﷺ: «**أُقِرُّكُمْ فِيهَا عَلَى ذَلِكَ مَا شِئْنَا**» فَكَانُوا عَلَى ذَلِكَ، وَكَانَ التَّمْرُ يُقْسَمُ عَلَى السُّهْمَانِ مِنْ نِصْفِ خَيْبَرَ وَيَأْخُذُ رَسُولُ اللَّهِ ﷺ الْخُمُسَ، وَكَانَ رَسُولُ اللَّهِ ﷺ أَطْعَمَ كُلَّ امْرَأَةٍ مِنْ أَزْوَاجِهِ مِنَ الْخُمُسِ مِائَةَ وَسْقٍ تَمْرًا وَعِشْرِينَ وَسْقًا مِنْ شَعِيرٍ، فَلَمَّا أَرَادَ عُمَرُ إِخْرَاجَ الْيَهُودِ أَرْسَلَ إِلَى أَزْوَاجِ النَّبِيِّ ﷺ فَقَالَ لَهُنَّ: مَنْ أَحَبَّ مِنْكُنَّ أَنْ أَقْسِمَ لَهَا نَخْلاً بِخَرْصِهَا مِئَةَ وَسْقٍ، فَيَكُونَ لَهَا أَصْلُهَا وَأَرْضُهَا وَمَاؤُهَا، وَمِنَ الزَّرْعِ مَزْرَعَةَ خَرْصٍ عِشْرِينَ

for her the very share assigned to her yearly out of the one-fifth, the same as the Messenger of Allah "Allah's blessing and peace be upon him" used to do, I will do that for her."

3009- It is narrated on the authority of Anas that he said: The Messenger of Allah "Allah's blessing and peace be upon him" attacked Khaibar, and we conquered it by force, and took hold of (its women and children as) captives.

3010- It is narrated on the authority of Sahl Ibn Abu Hathmah that he said: The Messenger of Allah "Allah's blessing and peace be upon him" divided (the property of) Khaibar into two halves: one for the urgent needs and distresses of him (and his companions), and the other was distributed among the Muslims on eighteen shares.

3011- It is narrated on the authority of Bushair Ibn Yasar that one from amongst the companions of the Messenger of Allah "Allah's blessing and peace be upon him" told him the same, in which he said: One half constituted the shares of the Muslims, in addition to the share of the Messenger of Allah, and the other was assigned to the urgent needs and disasters that might befall him and the Muslims.

3012- It is narrated on the authority of Bushair Ibn Yasar, from men of the companions of the Messenger of Allah "Allah's blessing and peace be upon him", that when the Messenger of Allah "Allah's blessing and peace be upon him" took hold of Khaibar, he divided its property into thirty-six shares, each containing one hundred shares: the half of that was assigned to the Messenger of Allah "Allah's blessing and peace be upon him" and the Muslims, and the other half was assigned to undertake the hospitality of his delegates, and fulfill the urgent needs and remove the distresses that might befall the Muslims.

3013- It is narrated on the authority of Bushair Ibn Yasar that he said: When Allah Almighty bestowed upon His Messenger the property of Khaibar, he divided it into thirty-six shares, each containing one hundred sub-shares,: he set aside one half i.e. both Al-Watihah (a fort) and Al-Katibah (a name of some villages in Khaibar), for dealing with whatever urgent needs and distresses that might befall him (and the Muslims), and the other half i.e. Ash-Shaq and An-Natah, was assigned to be distributed among the Muslims; and the share of the Messenger of Allah "Allah's blessing and peace be upon him" was among the shares of the Muslims in the other half.

وَسْقًا فَعَلْنَا، وَمَنْ أَحَبَّ أَنْ نَعْزِلَ الَّذِي لَهَا فِي الْخُمُسِ كَمَا هُوَ فَعَلْنَا».

3009 ـ حدّثنا دَاوُدُ بنُ مُعَاذٍ: حدَّثنا عَبْدُ الْوَارِثِ. (ح)، وحدَّثنا يَعْقُوبُ بنُ إِبْرَاهِيمَ وَزِيَادُ بنُ أَيُّوبَ أَنَّ إِسْمَاعِيلَ بنَ إِبْرَاهِيمَ حَدَّثَهُمْ، عَنْ عَبْدِ الْعَزِيزِ بنِ صُهَيْبٍ، عن أَنَسِ بنِ مَالِكٍ: «أَنَّ رَسُولَ اللَّهِ ﷺ غَزَا خَيْبَرَ فَأَصَبْنَاهَا عَنْوَةً فَجَمَعَ السَّبْيَ».

3010 ـ حدّثنا الرَّبِيعُ بنُ سُلَيْمَانَ الْمُؤَذِّنُ: حدَّثنا أَسَدُ بنُ مُوسَى: حدَّثنا يَحْيَى بنُ زَكَرِيَّا: حَدَّثَنِي سُفْيَانُ، عن يَحْيَى بنِ سَعِيدٍ، عن بُشَيْرِ بنِ يَسَارٍ، عن سَهْلِ بنِ أَبِي حَثْمَةَ قَالَ: «قَسَمَ رَسُولُ اللَّهِ ﷺ خَيْبَرَ نِصْفَيْنِ: نِصْفًا لِنَوَائِبِهِ وَحَاجَتِهِ، وَنِصْفًا بَيْنَ الْمُسْلِمِينَ، قَسَمَهَا بَيْنَهُمْ عَلَى ثَمَانِيَةَ عَشَرَ سَهْمًا».

3011 ـ حدّثنا حُسَيْنُ بنُ عَلِيِّ بنِ الأَسْوَدِ، أَنَّ يَحْيَى بنَ آدَمَ حَدَّثَهُمْ، عن أَبِي شِهَابٍ، عن يَحْيَى بنِ سَعِيدٍ، عن بُشَيْرِ بنِ يَسَارٍ، أَنَّهُ سَمِعَ نَفَرًا مِنْ أَصْحَابِ النَّبِيِّ ﷺ قَالُوا، فَذَكَرَ هَذَا الْحَدِيثَ قَالَ: «فَكَانَ النِّصْفُ سِهَامَ الْمُسْلِمِينَ وَسَهْمَ رَسُولِ اللَّهِ ﷺ وَعَزَلَ النِّصْفَ لِلْمُسْلِمِينَ لِمَا يَنُوبُهُ مِنَ الأُمُورِ وَالنَّوَائِبِ».

3012 ـ حدّثنا حُسَيْنُ بنُ عَلِيٍّ: حدَّثنا مُحَمَّدُ بنُ فُضَيْلٍ، عن يَحْيَى بنِ سَعِيدٍ، عن بُشَيْرِ بنِ يَسَارٍ مَوْلَى الأَنْصَارِ، عن رِجَالٍ مِنْ أَصْحَابِ النَّبِيِّ ﷺ: «أَنَّ رَسُولَ اللَّهِ ﷺ لَمَّا ظَهَرَ عَلَى خَيْبَرَ قَسَمَهَا عَلَى سِتَّةٍ وَثَلاَثِينَ سَهْمًا جَمَعَ كُلُّ سَهْمٍ مِئَةَ سَهْمٍ، فَكَانَ لِرَسُولِ اللَّهِ ﷺ وَلِلْمُسْلِمِينَ النِّصْفُ مِنْ ذَلِكَ وَعَزَلَ النِّصْفَ الْبَاقِي لِمَنْ نَزَلَ بِهِ مِنَ الْوُفُودِ وَالأُمُورِ وَنَوَائِبِ النَّاسِ».

3013 ـ حدّثنا عَبْدُ اللَّهِ بنُ سَعِيدٍ الْكِنْدِيُّ: حدَّثنا أَبُو خَالِدٍ ـ يَعْنِي سُلَيْمَانَ ـ، عن يَحْيَى بنِ سَعِيدٍ، عن بُشَيْرِ بنِ يَسَارٍ قَالَ: «لَمَّا أَفَاءَ اللَّهُ عَلَى نَبِيِّهِ ﷺ خَيْبَرَ قَسَمَهَا عَلَى سِتَّةٍ وَثَلاَثِينَ سَهْمًا جَمَعَ كُلُّ سَهْمٍ مِئَةَ سَهْمٍ، فَعَزَلَ نِصْفَهَا لِنَوَائِبِهِ، وَمَا يَنْزِلُ بِهِ الْوَطِيحَةَ وَالْكُتَيْبَةَ وَمَا أُحِيزَ مَعَهُمَا، وَعَزَلَ نِصْفَ الآخَرِ فَقَسَمَهُ بَيْنَ الْمُسْلِمِينَ الشَّقَّ وَالنَّطَاةَ وَمَا أُحِيزَ مَعَهُمَا، وَكَانَ سَهْمُ رَسُولِ اللَّهِ ﷺ فِيمَا أُحِيزَ مَعَهُمَا».

3014- It is narrated on the authority of Bushair Ibn Yasar that he said: When Allah Almighty bestowed upon His Messenger the property of Khaibar, he divided it into thirty-six shares: he set aside for the Muslims eighteen shares, each containing one hundred sub-shares, and the Messenger of Allah "Allah's blessing and peace be upon him" had a share like anyone of them, and the remaining eighteen shares were set aside by the Messenger of Allah "Allah's blessing and peace be upon him" to deal with whatever urgent needs and distresses might befall him and the Muslims, i.e. An-Watih, Al-Katibah and Salalim and you village affiliated to them. When the Messenger of Allah "Allah's blessing and peace be upon him" had a lot of money, and at the same time, the Muslims had no labourers to cultivate the land on their behalf, the Messenger of Allah "Allah's blessing and peace be upon him" invited the Jews, and agreed with them to do the labour (in the land on the condition that they would have half the yields).

3015- It is narrated on the authority of Mujammi' Ibn Jariyah Al-Ansari, and he was one of those who recited the Qur'an, that he said: (When Khaibar was conquered) the Messenger of Allah "Allah's blessing and peace be upon him" distributed its land among the attendants of Hudaibiyah. The Messenger of Allah "Allah's blessing and peace be upon him" divided it into eighteen shares (each containing one hundred sub-shares): the army consisted of fifteen hundred including three hundred horsemen. In this way, he gave two shares to each one of the cavalry, and a single share to each one of the infantry.

3016- It is narrated on the authority of Az-Zuhri and Abdullah Ibn Abu Bakr: Some from amongst the inhabitants of Khaibar remained in their forts, and they asked the Messenger of Allah "Allah's blessing and peace be upon him" to save their lives and let them set out, and he did accordingly. When the inhabitants of Fadak heard of that news, they surrendered with the same condition, and in this way, it was a booty assigned to the Messenger of Allah "Allah's blessing and peace be upon him" in particular, for which there was no cavalry nor camelry.

3017- It is narrated on the authority of Sa'id Ibn Al-Musayyab that the Messenger of Allah "Allah's blessing and peace be upon him" conquered some portions of Khaibar by force (and the remaining portion by their surrender).

Abu Dawud says: It is narrated by Ibn Shihab that some parts of Khaibar were taken by force, and some by surrender; and the most part of

3014 ـ حدّثنا مُحَمَّدُ بنُ مِسْكِينٍ الْيَمَامِيُّ: حدَّثنا يَحْيَى بنُ حَسَّانَ: حدَّثنا سُلَيْمَانُ ـ يَعْنِي ابنَ بِلاَلٍ ـ، عن يَحْيَى بنِ سَعِيدٍ، عن بُشَيْرِ بنِ يَسَارٍ: «أَنَّ رَسُولَ اللَّهِ ﷺ لَمَّا أَفاءَ اللَّهُ عَلَيْهِ خَيْبَرَ قَسَمَهَا سِتَّةً وَثَلاثِينَ سَهْمًا جَمعَ فَعَزَلَ لِلْمُسْلِمِينَ الشَّطْرَ ثَمَانِيَةَ عَشَرَ سَهْمًا، يَجْمَعُ كُلُّ سَهْمٍ مِائَةَ النَّبِيُّ ﷺ مَعَهُمْ لَهُ سَهْمٌ كَسَهْمِ أَحَدِهِمْ وَعَزَلَ رَسُولُ اللَّهِ ﷺ ثَمَانِيَةَ عَشَرَ سَهْمًا وَهُوَ الشَّطْرُ لِنَوائِبِهِ وَمَا يَنْزِلُ بِهِ مِنْ أَمْرِ الْمُسْلِمِينَ، وَكَانَ ذَلِكَ الْوَطِيحَ وَالْكُتَيْبَةَ وَالسَّلاَلِمَ وَتَوابِعَهَا، فَلَمَّا صَارَتِ الأَمْوَالُ بِيَدِ النَّبِيِّ ﷺ وَالْمُسْلِمِينَ لَمْ يَكُنْ لَهُمْ عُمَّالٌ يَكْفُونَهُمْ عَمَلَهَا، فَدَعَا رَسُولُ اللَّهِ ﷺ الْيَهُودَ فَعَامَلَهُمْ».

3015 ـ حدّثنا مُحَمَّدُ بنُ عِيسَى: حدَّثنا مُجَمِّعُ بنُ يَعْقُوبَ بنِ مُجَمِّعِ بنِ يَزِيدَ الأَنْصَارِيُّ قال: سَمِعْتُ أَبِي يَعْقُوبَ بنَ مُجَمِّعٍ يَذْكُرُ لِي عن عَمِّهِ عَبْدِ الرَّحْمَنِ بنِ يَزِيدَ الأَنْصَارِيِّ، عن عَمِّهِ مُجَمِّعِ بنِ جَارِيَةَ الأَنْصَارِيِّ وَكَانَ أَحَدَ الْقُرَّاءِ الَّذِينَ قَرَأُوا الْقُرْآنَ قال: «قُسِمَتْ خَيْبَرُ عَلَى أَهْلِ الْحُدَيْبِيَةِ فَقَسَمَهَا رَسُولُ اللَّهِ ﷺ عَلَى ثَمَانِيَةَ عَشَرَ سَهْمًا وَكَانَ الْجَيْشُ أَلْفًا وَخَمْسَ مِئَةٍ، فِيهِمْ ثَلاَثُ مِئَةِ فَارِسٍ، فَأَعْطَى الْفَارِسَ سَهْمَيْنِ، وَأَعْطَى الرَّاجِلَ سَهْمًا».

3016 ـ حدّثنا حُسَيْنُ بنُ عَلِيٍّ الْعِجْلِيُّ: حدَّثنا يَحْيَى ـ يَعْنِي ابنَ آدَمَ ـ: حدَّثنا ابنُ أَبِي زَائِدَةَ، عن مُحَمَّدِ بنِ إِسْحَاقَ، عن الزُّهْرِيِّ وَعَبْدِ اللَّهِ بنِ أَبِي بَكْرٍ وَبَعْضِ وَلَدِ مُحَمَّدِ بنِ مَسْلَمَةَ قَالُوا: «بَقِيَتْ بَقِيَّةٌ مِنْ أَهْلِ خَيْبَرَ، فَتَحَصَّنُوا فَسَأَلُوا رَسُولَ اللَّهِ ﷺ أَنْ يَحْقِنَ دِمَاءَهُمْ وَيُسَيِّرَهُمْ، فَفَعَلَ، فَسَمِعَ بِذَلِكَ أَهْلُ فَدَكَ فَنَزَلُوا عَلَى مِثْلِ ذَلِكَ، فَكَانَتْ لِرَسُولِ اللَّهِ ﷺ خَاصَّةً، لأَنَّهُ لَمْ يُوجِفْ عَلَيْهَا بِخَيْلٍ وَلاَ رِكَابٍ».

3017 ـ حدّثنا مُحَمَّدُ بنُ يَحْيَى بنِ فَارِسٍ: حدَّثنا عَبْدُ اللَّهِ بنُ مُحَمَّدٍ، عن جُوَيْرِيَةَ، عن مَالِكٍ، عن الزُّهْرِيِّ: «أَنَّ سَعِيدَ بنَ الْمُسَيَّبِ أَخْبَرَهُ أَنَّ رَسُولَ اللَّهِ ﷺ افْتَتَحَ بَعْضَ خَيْبَرَ عَنْوَةً».

قال أَبُو دَاوُدَ: وَقُرِىءَ عَلَى الْحَارِثِ بنِ مِسْكِينٍ وَأَنَا شَاهِدٌ: أَخْبَرَكُمْ ابنُ وَهْبٍ قال: حَدَّثَنِي مَالِكٌ، عَنِ ابنِ شِهَابٍ: «أَنَّ خَيْبَرَ كَانَ بَعْضُهَا عَنْوَةً وَبَعْضُهَا صُلْحًا،

Al-Katibah was taken by force. I asked Malik: What is Al-Katibah? He said: It is land in Khaibar consisting of forty thousand date-palms.

3018- It is narrated on the authority of Ibn Shihab that he said: I was reported that the Messenger of Allah "Allah's blessing and peace be upon him" conquered Khaibar by force after fighting, and those of its people who surrendered on the condition that they should be expelled did so after fighting.

3019- It is narrated on the authority of Ibn Shihab that he said: The Messenger of Allah "Allah's blessing and peace be upon him" set aside one-fifth the property of Khaibar, and then he distributed the remaining among these who attended the holy battle related to it, and those who did not take part in it, from among the attendants of Hudaibiyah.

3020- It is narrated on the authority of Umar that he said: Had it not been for the coming generations of Muslims, no town I conquer but that I would have distributed it (i.e. the property among the fighters) in the same way as the Messenger of Allah "Allah's blessing and peace be upon him" had distributed (the land of) Khaibar.

[25] The Story Of Mecca

3021- It is narrated on the authority of Ibn Abbas that in the year of the conquest (of Mecca) Al-Abbas Ibn Abd Al-Muttalib brought Abu Sufyan to the Messenger of Allah "Allah's blessing and peace be upon him", and he embraced Islam at Marr Az-Zahran, thereupon Al-Abbas said to the Messenger of Allah "Allah's blessing and peace be upon him": "O Messenger of Allah! This (Abu Sufyan) is a man who likes to be given something therewith he would feel he is self-important: would that you give him something!" The Messenger of Allah "Allah's blessing and peace be upon him" said: "Yes: whoever enters the home of Abu Sufyan will become safe; and whoever enters his home and closes the door on him will be safe."

3022- It is narrated on the authority of Ibn Abbas that he said: When the Messenger of Allah "Allah's blessing and peace be upon him" descended at Marr Az-Zahran, Al-Abbas said: I said (to myself): "By Allah, if the Messenger of Allah "Allah's blessing and peace be upon him" enters Mecca by force before the Quraish people come and seek safety from him, this would lead to the destruction of Quraish. I sat on the mule of the Messenger of Allah "Allah's blessing and peace be upon him" and said to Ali: "Find somebody to come and tell the people of Mecca about the very place of the Messenger of Allah "Allah's blessing and peace be upon him",

وَالْكُتَيْبَةُ أَكْثَرُهَا عَنْوَةً وَفِيهَا صُلْحٌ. قُلْتُ لِمَالِكٍ: وَمَا الْكُتَيْبَةُ؟ قَالَ: أَرْضُ خَيْبَرَ وَهِيَ أَرْبَعُونَ أَلْفَ عِذْقٍ».

3018 ـ حدّثنا ابنُ السَّرْحِ: أَخبرنا ابنُ وَهْبٍ: أَخبرني يُونُسُ بنُ يزيد، عن ابنِ شِهَابٍ قال: «بَلَغَنِي أَنَّ رَسُولَ اللَّهِ ﷺ افْتَتَحَ خَيْبَرَ عَنْوَةً بَعْدَ الْقِتَالِ، وَنَزَلَ مَنْ نَزَلَ مِنْ أَهْلِهَا عَلَى الْجَلاَءِ بَعْدَ الْقِتَالِ».

3019 ـ حدّثنا ابنُ السَّرْحِ: أَخبرنا ابنُ وَهْبٍ: أَخبرني يُونُسُ بنُ يَزِيدَ، عن ابنِ شِهَابٍ قالَ: «خَمَّسَ رَسُولُ اللَّهِ ﷺ خَيْبَرَ، ثُمَّ قَسَمَ سَائِرَهَا عَلَى مَنْ شَهِدَهَا وَمَنْ غَابَ عَنْهَا مِنْ أَهْلِ الْحُدَيْبِيَةِ».

3020 ـ حدّثنا أَحْمَدُ بنُ حَنْبَلٍ: حدَّثنا عَبْدُ الرَّحْمَنِ، عنْ مَالِكٍ، عنْ زَيْدِ بنِ أَسْلَمَ، عن أَبِيهِ، عنْ عُمَرَ قال: «لَوْلاَ آخِرُ الْمُسْلِمِينَ مَا فَتَحْتُ قَرْيَةً إِلاَّ قَسَمْتُهَا كَمَا قَسَمَ رَسُولُ اللَّهِ ﷺ خَيْبَرَ».

[ت25/م24، 25] ـ باب ما جاء في خبر مكة

3021 ـ حدّثنا عُثْمَانُ بنُ أَبي شَيْبَةَ: حدَّثنا يَحْيَى بنُ آدَمَ: حدَّثنا ابنُ إِدْرِيسَ، عن مُحَمَّدِ بنِ إِسْحَاقَ، عن الزُّهْرِيِّ، عن عُبَيْدِ اللَّهِ بنِ عَبْدِ اللَّهِ بنِ عُتْبَةَ، عَنِ ابنِ عَبَّاسٍ: أَنَّ رَسُولَ اللَّهِ ﷺ عَامَ الْفَتْحِ جَاءَهُ الْعَبَّاسُ بنُ عَبْدِ الْمُطَّلِبِ بِأَبِي سُفْيَانَ بنِ حَرْبٍ فَأَسْلَمَ بِمَرِّ الظَّهْرَانِ، فَقَالَ لَهُ الْعَبَّاسُ: يَا رَسُولَ اللَّهِ إِنَّ أَبَا سُفْيَانَ رَجُلٌ يُحِبُّ هَذَا الْفَخْرَ، فَلَوْ جَعَلْتَ لَهُ شَيْئًا؟ قال: «**نَعَمْ، مَنْ دَخَلَ دَارَ أَبِي سُفْيَانَ فَهُوَ آمِنٌ، وَمَنْ أَغْلَقَ عَلَيْهِ بَابَهُ فَهُوَ آمِنٌ**».

3022 ـ حدّثنا مُحَمَّدُ بنُ عَمْرٍو الرَّازِيُّ: حدَّثنا سَلَمَةُ ـ يَعْنِي ابنَ الْفَضْلِ ـ، عن مُحَمَّدِ بنِ إِسْحَاقَ، عن الْعَبَّاسِ بنِ عَبْدِ اللَّهِ بنِ مَعْبَدٍ، عن بَعْضِ أَهْلِهِ، عن ابنِ عَبَّاسٍ قال: «لَمَّا نَزَلَ النَّبِيُّ ﷺ بِمَرِّ الظَّهْرَانِ قَالَ الْعَبَّاسُ: قُلْتُ: وَاللَّهِ لَئِنْ دَخَلَ رَسُولُ اللَّهِ ﷺ مَكَّةَ عَنْوَةً قَبْلَ أَنْ يَأْتُوهُ فَيَسْتَأْمِنُوهُ إِنَّهُ لَهَلاَكُ قُرَيْشٍ، فَجَلَسْتُ عَلَى بَغْلَةِ رَسُولِ اللَّهِ ﷺ فَقُلْتُ: لَعَلِّي أَجِدُ ذَا حَاجَةٍ يَأْتِي أَهْلَ مَكَّةَ فَيُخْبِرُهُمْ بِمَكَانِ

perchance they would come out to him, and seek safety from him." While I was proceeding, I heard the speech of both Abu Sufyan and Budail Ibn Warqa'. I cried: "O Abu Hanzalah!" he recognized my voice and responded: "Are you Abu Al-Fadl?" I said: "Yes." He said: "What is the matter with you, let my father and mother be sacrificed for you?" I said: "This is the Messenger of Allah "Allah's blessing and peace be upon him", in the company of the (Muslim) people (proceeding on towards Mecca)." He asked: "Then, what should I do?" he rode behind me, and his companion (Budail) returned, and when it was morning, I brought him to the Messenger of Allah "Allah's blessing and peace be upon him", and he embraced Islam. I said: "O Messenger of Allah! This (Abu Sufyan) is a man who likes to be given something therewith he would feel he is self-important: would that you give him something!" The Messenger of Allah "Allah's blessing and peace be upon him" said: "Yes: whoever enters the home of Abu Sufyan will become safe; and whoever enters his home and closes the door on him will be safe; and whoever enters the mosque will be safe." The people dispersed and some entered their homes and others the mosque.

3023- It is narrated on the authority of Wahb Ibn Munabbih that he said: I asked Jabir: Have they got anything as booty on the day of the conquest (of Mecca)? He answered in the negative.

3024- It is narrated on the authority of Abu Hurairah that when the Messenger of Allah "Allah's blessing and peace be upon him" entered Mecca, he dispatched Az-Zubair Ibn Al-Awwam, Abu Ubaidah Ibn Al-Jarrah and Khalid Ibn Al-Walid leading the cavalry, and said to Abu Hurairah: "O Abu Hurairah! Make a public announcement among the Ansar: "Follow that way, and no one appears to you but that you should kill him." A caller called publicly: "There will be no Quraish after today." On that the Messenger of Allah "Allah's blessing and peace be upon him" said: "Whoever enters a home is safe, and whoever puts down the arms is safe." The brave among the Quraish went direct (to the House and) entered the Ka'bah, which was crowded with them. The Messenger of Allah "Allah's blessing and peace be upon him" circumambulated the House, and offered prayer behind the Station (of Abraham), and then he took hold of both sides of the gate, where they came out and gave the pledge of allegiance to the Messenger of Allah "Allah's blessing and peace be upon him" to embrace Islam.

Abu Dawud says: I heard a man having asked Ahmad Ibn Hanbal: Has

رَسُولِ اللَّهِ ﷺ لِيَخْرُجُوا إِلَيْهِ فَيَسْتَأْمِنُوهُ، فَإِنِّي لأَسِيرُ إِذْ سَمِعْتُ كَلاَمَ أَبِي سُفْيَانَ وَبُدَيْلَ بنَ وَرْقَاءَ، فَقُلْتُ: يَا أَبَا حَنْظَلَةَ، فَعَرَفَ صَوْتِي، فَقَالَ: أَبُو الْفَضْلِ؟ قُلْتُ: نَعَمْ، قَالَ: مَا لَكَ فِدَاكَ أَبِي وَأُمِّي؟ قُلْتُ: هَذَا رَسُولُ اللَّهِ ﷺ وَالنَّاسُ، قال: فَمَا الْحِيلَةُ؟ قال: فَرَكِبَ خَلْفِي وَرَجَعَ صَاحِبُهُ، فَلَمَّا أَصْبَحَ غَدَوْتُ بِهِ عَلَى رَسُولِ اللَّهِ ﷺ فَأَسْلَمَ. قُلْتُ: يَا رَسُولَ اللَّهِ إِنَّ أَبَا سُفْيَانَ رَجُلٌ يُحِبُّ هَذَا الْفَخْرَ فَاجْعَلْ لَهُ شَيْئًا، قَالَ: **«نَعَمْ مَنْ دَخَلَ دَارَ أَبِي سُفْيَانَ فَهُوَ آمِنٌ، وَمَنْ أَغْلَقَ عَلَيْهِ دَارَهُ فَهُوَ آمِنٌ، وَمَنْ دَخَلَ الْمَسْجِدَ فَهُوَ آمِنٌ»**. قال: فَتَفَرَّقَ النَّاسُ إِلَى دُورِهِمْ وَإِلَى الْمَسْجِدِ».

3023 ـ حدّثنا الحَسَنُ بنُ الصَّبَّاحِ: أخبرنا إِسْمَاعِيلُ ـ يَعْنِي ابنَ عَبْدِ الْكَرِيمِ ـ، حدثني إِبْرَاهِيمُ بنُ عَقِيلِ بنِ مَعْقِلٍ، عن أَبِيهِ، عن وَهْبِ بنِ مُنَبِّهٍ قال: «سَأَلْتُ جَابِرًا: هَلْ غَنِمُوا يَوْمَ الْفَتْحِ شَيْئًا؟ قَالَ: لاَ».

3024 ـ حدّثنا مُسْلِمُ بنُ إِبْرَاهِيمَ: حدثنا سَلاَّمُ بنُ مِسْكِينٍ: حدثنا ثَابِتٌ الْبُنَانِيُّ، عن عَبْدِ اللَّهِ بنِ رَبَاحٍ الأَنْصَارِيِّ، عن أَبِي هُرَيْرَةَ: «أَنَّ النَّبِيَّ ﷺ لَمَّا دَخَلَ مَكَّةَ سَرَّحَ الزُّبَيْرَ بنَ الْعَوَّامِ وَأَبَا عُبَيْدَةَ بنَ الْجَرَّاحِ وَخَالِدَ بنَ الْوَلِيدِ عَلَى الْخَيْلِ، وَقَالَ: **«يَا أَبَا هُرَيْرَةَ اهْتِفْ بِالأَنْصَارِ»**، قال: اسْلُكُوا هَذَا الطَّرِيقَ فَلاَ يُشْرِفَنَّ لَكُمْ أَحَدٌ إِلاَّ أَنَمْتُمُوهُ، فَنَادَى مُنَادٍ: لاَ قُرَيْشَ بَعْدَ الْيَوْمِ، فَقَالَ رَسُولُ اللَّهِ ﷺ: **«مَنْ دَخَلَ دَارًا فَهُوَ آمِنٌ، وَمَنْ أَلْقَى السِّلاَحَ فَهُوَ آمِنٌ»**، وَعَمَدَ صَنَادِيدُ قُرَيْشٍ فَدَخَلُوا الْكَعْبَةَ فَغَصَّ بِهِمْ، وَطَافَ النَّبِيُّ ﷺ وَصَلَّى خَلْفَ الْمَقَامِ، ثُمَّ أَخَذَ بِجَنَبَتَيِ الْبَابِ، فَخَرَجُوا فَبَايَعُوا النَّبِيَّ ﷺ عَلَى الإِسْلاَمِ».

قال أَبُو دَاوُدَ: سَمِعْتُ أَحْمَدَ بنَ حَنْبَلٍ سَأَلَهُ رَجُلٌ قَالَ: مَكَّةَ عَنْوَةً

Mecca been conquered by force? He said: What harm do it cause to you how it has been conquered? He further asked: Then, has it been conquered by a peace treaty? He answered in the negative.

[26] The Story Of Ta'if

3025- It is narrated on the authority of Wahb that he said: I asked Jabir about how the Thaqif (tribe) gave the pledge of allegiance (to the Messenger of Allah "Allah's blessing and peace be upon him"). He said: They stipulated the condition that no obligatory charity nor Jihad would be binding upon them; and I heard the Messenger of Allah "Allah's blessing and peace be upon him" having said: "They will pay the obligatory charity and take part in Jihad when they embrace Islam."

3026- It is narrated on the authority of Uthman Ibn Abu Al-As that when the delegate of the Thaqif (tribe) came, the Messenger of Allah "Allah's blessing and peace be upon him" made them halt in the mosque, in an attempt to cause them to be more smooth-hearted. (When they came to give the pledge of allegiance to him) they stipulated the condition that they should not be mustered(to take part in Jihad), nor should the one-tenth of their property be taken (as obligatory charity), nor should they be called to offer prayer." On that the Messenger of Allah "Allah's blessing and peace be upon him" said: "You have the right not to be mustered (to take part in Jihad), and not to give one-tenth your property (as obligatory charity); but there is no good in religion in which the prayer is not offered."

[27] The Commandment Pertaining To The Land Of Yemen

3027- It is narrated on the authority of Amir Ibn Shahr that he said: When the Messenger of Allah "Allah's blessing and peace be upon him" appeared, my people of Hamadan said to me: "Would you go (on behalf of us) to see this man? If you accept that (religion), we will accept it accordingly, and if you dislike it, we will dislike it accordingly." I answered in the affirmative. I visited the Messenger of Allah "Allah's blessing and peace be upon him", and accepted his matter (of religion), thereupon my people embraced Islam, and the Messenger of Allah "Allah's blessing and peace be upon him" wrote a document for Umair Dhu-Marran, and he sent Malik Ibn Murarah to Yemen, and both (became in charge of it). Then, Akk Dhu-Khiwan embraced Islam, and it was said to him: "Go to the Messenger of Allah "Allah's blessing and peace be upon him", and take (a document of) safety for your village and property." He went to him (and asked him for that) and the Messenger of Allah "Allah's blessing and peace be upon him" wrote to him (the following document): "In the Name of Allah, Most

هِيَ؟ قَالَ: أَيْشٍ يَضُرُّكَ مَا كَانَتْ، قال: فَصُلْحٌ؟ قال: لاَ.

[ت26/م25، 26] ـ باب ما جاء في خبر الطائف

3025 ـ حدّثنا الْحَسَنُ بنُ الصَّبَّاحِ: حدثنا إِسْمَاعِيلُ ـ يَعْنِي ابنَ عَبْدِ الْكَرِيمِ ـ: حدثني إِبْرَاهِيمُ ـ يَعْنِي ابنَ عَقِيلِ بنِ مُنَبِّهٍ ـ، عن أَبِيهِ، عن وَهْبٍ قَالَ: سَأَلْتُ جَابِرًا عَنْ شَأْنِ ثَقِيفٍ إِذْ بَايَعَتْ؟ قال: اشْتَرَطَتْ عَلَى النَّبِيِّ ﷺ أَنْ لاَ صَدَقَةَ عَلَيْهَا وَلاَ جِهَادَ، وَأَنَّهُ سَمِعَ النَّبِيَّ ﷺ بَعْدَ ذَلِكَ يَقُولُ: «**سَيَتَصَدَّقُونَ وَيُجَاهِدُونَ إِذَا أَسْلَمُوا**».

3026 ـ حدّثنا أَحْمَدُ بنُ عَلِيِّ بنِ سُوَيْدٍ ـ يَعْنِي ابنَ مَنْجُوفٍ ـ: أخبرنا أَبُو دَاوُدَ، عن حَمَّادِ بنِ سَلَمَةَ، عن حُمَيْدٍ، عن الْحَسَنِ، عن عُثْمَانَ بنِ أَبي الْعَاصِ: أَنَّ وَفْدَ ثَقِيفٍ لَمَّا قَدِمُوا عَلَى رَسُولِ اللَّهِ ﷺ أَنْزَلَهُمُ الْمَسْجِدَ لِيَكُونَ أَرَقَّ لِقُلُوبِهِمْ، فَاشْتَرَطُوا عَلَيْهِ أَنْ لاَ يُحْشَرُوا وَلاَ يُعْشَرُوا وَلاَ يُجَبُّوا، فَقَالَ رَسُولُ اللَّهِ ﷺ: «**لَكُمْ أَنْ لاَ تُحْشَرُوا وَلاَ تُعْشَرُوا، وَلاَ خَيْرَ فِي دِينٍ لَيْسَ فِيهِ رُكُوعٌ**».

[ت27/م26، 27] ـ باب ما جاء في حكم أَرض اليمن

3027 ـ حدّثنا هَنَّادُ بنُ السَّرِيِّ، عن أَبي أُسَامَةَ، عن مُجَالِدٍ، عن الشَّعْبِيِّ، عن عَامِرِ بنِ شَهْرٍ قال: خَرَجَ رَسُولُ اللَّهِ ﷺ فَقَالَتْ لِي هَمْدَانُ: هَلْ أَنْتَ آتٍ هَذَا الرَّجُلَ وَمُرْتَادٌ لَنَا، فَإِنْ رَضِيتَ لَنَا شَيْئًا قَبِلْنَاهُ، وَإِنْ كَرِهْتَ شَيْئًا كَرِهْنَاهُ؟ قُلْتُ: نَعَمْ، فَجِئْتُ حَتَّى قَدِمْتُ عَلَى رَسُولِ اللَّهِ ﷺ فَرَضِيتُ أَمْرَهُ وَأَسْلَمَ قَوْمِي وَكَتَبَ رَسُولُ اللَّهِ ﷺ هَذَا الْكِتَابَ إِلَى عُمَيْرٍ ذِي مَرَّانٍ. قال: وَبَعَثَ مَالِكَ بنَ مِرَارَةَ الرَّهَاوِيَّ إِلَى الْيَمَنِ جَمِيعًا فَأَسْلَمَ عَكٌّ ذُو خَيْوَانٍ، قال: فَقِيلَ لِعَكٍّ: انْطَلِقْ إِلَى رَسُولِ اللَّهِ ﷺ فَخُذْ مِنْهُ الأَمَانَ عَلَى قَرْيَتِكَ وَمَالِكَ، فَقَدِمَ فَكَتَبَ لَهُ رَسُولُ اللَّهِ ﷺ: «**بِسْمِ اللَّهِ الرَّحْمَنِ**

Gracious, Most Merciful: from Muhammad, the Messenger of Allah "Allah's blessing and peace be upon him", to Akk Dhu-Khiwan: if he is true to his conduct towards his land, property and slaves, he will have the safety and the covenant of Allah, and of Muhammad, the Messenger of Allah "Allah's blessing and peace be upon him"." It was written by Khalid Ibn Sa'id Ibn Al-As.

3028- It is narrated on the authority of Abyad Ibn Hammal that when he went to the Messenger of Allah "Allah's blessing and peace be upon him", he talked to the Messenger of Allah "Allah's blessing and peace be upon him" to cancel out the obligatory charity, thereupon the Messenger of Allah "Allah's blessing and peace be upon him" said to him: "O brother of Sheba! The obligatory charity should inevitably be given." He said: "We've cultivated cotton, O Messenger of Allah, and these of Sheba have been destroyed, and only a few have survived in Ma'rib." On that the Messenger of Allah "Allah's blessing and peace be upon him" made a treaty with him for a yearly payment of seventy suits of silk from the silk of Mu'afir on behalf upon such as survived from Sheba. They kept giving that until the death of the Messenger of Allah "Allah's blessing and peace be upon him". After the Messenger of Allah "Allah's blessing and peace be upon him" had died, the employers (of charity) tried to repeal that treaty made by the Messenger of Allah "Allah's blessing and peace be upon him" with Abyad Ibn Hammal, pertaining to the yearly payment of seventy suits(and take from them the regular charity instead), but Abu Bakr restored the matter to the very state stipulated by the Messenger of Allah "Allah's blessing and peace be upon him", and it remained as such until he died. When Abu Bakr died, that treaty was abrogated, and it turned to the regular charity.

[28] Driving The Jews Out Of The Arab Peninsula

3029- It is narrated on the authority of Ibn Abbas that he said: The Messenger of Allah "Allah's blessing and peace be upon him" gave three recommendations saying: "Drive the pagans out of the Arab Peninsula; and give the delegates the same as I used to give them…" Ibn Abbas said: He kept silent from mentioning the third, or I was made to forget the third one. Sulaiman said: I do not know whether Sa'id had mentioned the third one, and I had forgotten it, or he had kept silent from it.

3030- It is narrated on the authority of Jabir Ibn Abdullah that Umar Ibn Al-Khattab told that he heard the Messenger of Allah "Allah's blessing and peace be upon him" having said: "I'm going to drive both the Jews and Christians from the Arab Peninsula, leaving none but a Muslim in it."

الرَّحِيمِ، مِنْ مُحَمَّدٍ رَسُولِ اللَّهِ ﷺ لِعَكِّ ذِي خَيْوَانَ إِنْ كَانَ صَادِقًا فِي أَرْضِهِ وَمَالِهِ وَرَفِيقِهِ فَلَهُ الأَمَانُ وَذِمَّةُ اللَّهِ وَذِمَّةُ مُحَمَّدٍ رَسُولِ اللَّهِ، وَكَتَبَ خَالِدُ بنُ سَعِيدِ بنِ الْعَاصِ».

3028 ـ حدّثنا مُحَمَّدُ بنُ أَحْمَدَ الْقُرَشِيُّ، وَهَارُونُ بنُ عَبْدِ اللَّهِ أَنَّ عَبْدَ اللَّهِ بنَ الزُّبَيْرِ حَدَّثَهُمْ قال: أخبرنا فَرَجُ بنُ سَعِيدٍ: حَدَّثَنِي عَمِّي ثَابِتُ بنُ سَعِيدٍ، عن أَبِيهِ سَعِيدٍ ـ يَعْنِي ابنَ أَبْيَضَ ـ، عن جَدِّهِ أَبْيَضَ بنِ حَمَّالٍ: «أَنَّهُ كَلَّمَ رَسُولَ اللَّهِ ﷺ فِي الصَّدَقَةِ حِينَ وَفَدَ عَلَيْهِ فَقَالَ: «**يَا أَخَا سَبَإٍ لاَ بُدَّ مِنْ صَدَقَةٍ**»، فَقَالَ: إِنَّمَا زَرْعُنَا الْقُطْنَ يَا رَسُولَ اللَّهِ وَقَدْ تَبَدَّدَتْ سَبأٌ وَلَمْ يَبْقَ مِنْهُمْ إِلاَّ قَلِيلٌ بِمَأْرِبَ، فَصَالَحَ نَبِيَّ اللَّهِ ﷺ عَلَى سَبْعِينَ حُلَّةِ بَزٍّ مِنْ قِيمَةِ وَفَاءِ بَزِّ الْمَعَافِرِ كُلَّ سَنَةٍ عَمَّنْ بَقِيَ مِنْ سَبَإٍ بِمَأْرِبَ، فَلَمْ يَزَالُوا يُؤَدُّونَهَا حَتَّى قُبِضَ رَسُولُ اللَّهِ ﷺ، وَإِنَّ الْعُمَّالَ انْتَقَضُوا عَلَيْهِم بَعْدَ قَبْضِ رَسُولِ اللَّهِ ﷺ فِيمَا صَالَحَ أَبْيَضُ بنُ حَمَّالٍ رَسُولَ اللَّهِ ﷺ فِي الْحُلَلِ السَّبْعِينَ، فَرَدَّ ذَلِكَ أَبُو بَكْرٍ عَلَى مَا وَضَعَهُ رَسُولُ اللَّهِ ﷺ حَتَّى مَاتَ أَبُو بَكْرٍ، فَلَمَّا مَاتَ أَبُو بَكْرٍ انْتَقَضَ ذَلِكَ وَصَارَتْ عَلَى الصَّدَقَةِ».

[ت28/م27، 28] ـ باب في إخراج اليهود من جزيرة العرب

3029 ـ حدّثنا سَعِيدُ بنُ مَنْصُورٍ: حدَّثنا سُفْيَانُ بنُ عُيَيْنَةَ، عن سُلَيْمَانَ الأَحْوَلِ، عن سَعِيدِ بنِ جُبَيْرٍ، عن ابنِ عَبَّاسٍ: أَنَّ النَّبِيَّ ﷺ أَوْصَى بِثَلاَثَةٍ فَقَالَ: «**أَخْرِجُوا الْمُشْرِكِينَ مِنْ جَزِيرَةِ الْعَرَبِ، وَأَجِيزُوا الْوَفْدَ بِنَحْوِ مِمَّا كُنْتُ أُجِيزُهُمْ**».

قَالَ ابنُ عَبَّاسٍ: وَسَكَتَ عن الثَّالِثَةِ أَوْ قَالَ: قَالَهَا فَأُنْسِيتُهَا. وَقَالَ الْحُمَيْدِيُّ: عن سُفْيَانَ، قال سُلَيْمَانُ: لاَ أَدْرِي أَذَكَرَ سَعِيدٌ الثَّالِثَةَ فَنَسِيتُهَا أَوْ سَكَتَ عَنْهَا.

3030 ـ حدّثنا الْحَسَنُ بنُ عَلِيٍّ: حدَّثنا أَبُو عَاصِمٍ وَعَبْدُ الرَّزَّاقِ قَالاَ: أخبرنا ابنُ جُرَيْجٍ: أخبرني أَبُو الزُّبَيْرِ أَنَّهُ سَمِعَ جَابِرَ بنَ عَبْدِ اللَّهِ يَقُولُ: أَخْبَرَ عُمَرُ بنُ الْخَطَّابِ رَضِيَ اللَّهُ عَنْهُ أَنَّهُ سَمِعَ رَسُولَ اللَّهِ ﷺ يَقُولُ: «**لأُخْرِجَنَّ الْيَهُودَ وَالنَّصَارَى مِنْ جَزِيرَةِ الْعَرَبِ، فَلاَ أَتْرُكُ فِيهَا إِلاَّ مُسْلِمًا**».

3031- It is narrated on the authority of Jabir Ibn Abdullah that Umar Ibn Al-Khattab told that the Messenger of Allah "Allah's blessing and peace be upon him" said the same.

3032- It is narrated on the authority of Ibn Abbas that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "To Qiblahs (belonging to different religions) could gather in one town."

3033- It is narrated on the authority of Sa'id Ibn Abd Al-Aziz that he said: The Arab Peninsula lies from the Valley (of Jordan in the West to the Gulf in the East) and from the furthest end of Yemen (in the South) to the borders of Iraq (in the north).

Abu Dawud says: Umar expelled the Jews from Najran for it belongs to the Arab territories, but he did not expel those of Taima' for it does not belong to the Arab land. As to the Valley, I think that the Jews there were not expelled for they did not regard it as a part of the Arab Peninsula.

3034- It is narrated on the authority of Ibn Wahb that Malik said: Umar expelled the Jews of both Najran and Fadak.

(...) The Book Of Taxes

[29] The Endowment Of The Public Land

3035- It is narrated on the authority of Abu Hurairah that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "The Iraq (people) will withhold their Qafiz (measurement unit as much as 12 Sa's) and Dirham; the Sham (people) will withhold their Mudd and Dinar; and the Egypt (people) will withhold their Ardabb (measurement unit nearly 24 Sa's) and Dinar (from being given as Jizyah, because those countries will come to be under the control of the non-Arabs), and you will return to the very state (i.e. renegade to infidelity) from which you began." Zuhair said it thrice: Abu Hurairah was witness to that by both his flesh and blood.

3036- It is narrated on the authority of Wahb Ibn Munabbih that he said: This is what Abu Hurairah relates to us from the Messenger of Allah "Allah's blessing and peace be upon him": The Messenger of Allah "Allah's blessing and peace be upon him" said: "Whichever town you enter and stay in, you should have a share in its property, and whichever town (whose people) disobey Allah and His Messenger, one-fifth its property should be for Allah and His Messenger, and then, (the rest of) it should be for you."

3031 ـ حدّثنا أَحْمَدُ بنُ حَنْبَلٍ: حدَّثنا أَبُو أَحْمَدَ مُحَمَّدُ بنُ عَبْدِ اللَّهِ: حدثنا سُفْيَانُ، عن أَبي الزُّبَيْرِ، عن جَابِرٍ، عن عُمَرَ قالَ: قالَ رَسُولُ اللَّهِ ﷺ بِمَعْنَاهُ، وَالأَوَّلُ أَتَمُّ.

3032 ـ حدّثنا سُلَيْمَانُ بنُ دَاوُدَ الْعَتَكِيُّ: حدَّثنا جَرِيرٌ، عن قَابُوسَ بنِ أَبي ظَبْيَانَ، عن أَبِيهِ، عن ابنِ عَبَّاسٍ قال: قالَ رَسُولُ اللَّهِ ﷺ: «**لاَ تَكُونُ قِبْلَتَانِ فِي بَلَدٍ وَاحِدٍ**».

3033 ـ حدّثنا مَحْمُودُ بنُ خَالِدٍ: حدَّثنا عُمَرُ ـ يَعْنِي ابنَ عَبْدِ الْوَاحِدِ ـ قالَ: قالَ سَعِيدٌ ـ يَعْنِي ابنَ عَبْدِ الْعَزِيزِ ـ: «جَزِيرَةُ الْعَرَبِ مَا بَيْنَ الْوَادِي إِلَىٰ أَقْصَى الْيَمَنِ إِلَى تُخُومِ الْعِرَاقِ إِلَى الْبَحْرِ».

قال أَبُو دَاوُدَ: قُرِىءَ عَلَى الْحَارِثِ بنِ مِسْكِينَ وَأَنَا شَاهِدٌ أَخْبَرَكَ أَشْهَبُ بنُ عَبْدِ الْعَزِيزِ قَالَ قَالَ مَالِكٌ: عُمَرُ أَجْلَى أَهْلَ نَجْرَانَ، وَلَمْ يُجْلِ مِنَ تَيْمَاءَ، لأَنَّهَا لَيْسَتْ مِنْ بِلاَدِ الْعَرَبِ، فَأَمَّا الْوَادِي فَإِنِّي أَرَى أَنَّمَا لَمْ يُجْلَ مَنْ فِيهَا مِنَ الْيَهُودِ: أَنَّهُمْ لَمْ يَرَوْهَا مِنْ أَرْضِ الْعَرَبِ.

3034 ـ حدّثنا ابنُ السَّرْحِ: حدثنا ابنُ وَهْبٍ قال قال مَالِكٌ: «وَقَدْ أَجْلَى عُمَرُ يَهُودَ نَجْرَانَ وَفَدَكَ».

[ت29/م28، 29] ـ باب في إيقاف أَرض السواد وأَرض العَنوة

3035 ـ حدّثنا أَحْمَدُ بنُ عبد اللَّهِ بْنِ يُونُسَ: حدَّثنا زُهَيْرٌ: حدثنا سُهَيْلُ بنُ أَبي صَالِحٍ، عن أَبِيهِ، عن أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «**مَنَعَتِ الْعِرَاقُ قَفِيزَهَا وَدِرْهَمَهَا، وَمَنَعَتِ الشَّامُ مُدْيَهَا وَدِينَارَهَا، وَمَنَعَتْ مِصْرُ إِرْدَبَّهَا وَدِينَارَهَا، ثُمَّ عُدْتُمْ مِنْ حَيْثُ بَدَأْتُمْ**».

قالَهَا زُهَيْرٌ ثَلاَثَ مَرَّاتٍ شَهِدَ عَلَى ذَلِكَ لَحْمُ أَبي هُرَيْرَةَ وَدَمُهُ.

3036 ـ حدّثنا أَحْمَدُ بنُ حَنْبَلٍ: حدَّثنا عَبْدُ الرَّزَّاقِ: حدَّثنا مَعْمَرٌ، عن هَمَّام بنِ مُنَبِّهٍ قالَ: هَذَا مَا حَدَّثَنَا بِهِ أَبُو هُرَيْرَةَ عن رَسُولِ اللَّهِ ﷺ وَقَالَ رَسُولُ اللَّهِ ﷺ: «**أَيُّمَا قَرْيَةٍ أَتَيْتُمُوهَا وَأَقَمْتُمْ فِيهَا فَسَهْمُكُمْ فِيهَا، وَأَيُّمَا قَرْيَةٍ عَصَتِ اللَّهَ وَرَسُولَهُ فَإِنَّ خُمُسَهَا للَّهِ وللرَّسُولِ ثُمَّ هِيَ لَكُمْ**».

[30] Taking The Jizyah

3037- It is narrated on the authority of Anas Ibn Malik that the Messenger of Allah "Allah's blessing and peace be upon him" sent Khalid Ibn Al-Walid to Ukaidir Dawmah, a man from the Arabs, reported to be from Ghassan, and when he was taken and brought to him, and he saved his life under a treaty therewith they agreed that he should give the Jizyah.

3038- It is narrated on the authority of Mu'adh that when the Messenger of Allah "Allah's blessing and peace be upon him" sent him to Yemen, he commanded him to take from such as attained the age of puberty a (Jizyah of) Dinar yearly, or whatever garment is equal to it in value.

3039- A Hadith like this is narrated on the authority of Mu'adh from the Messenger of Allah "Allah's blessing and peace be upon him", through the same chain of transmitters.

3040- It is narrated on the authority of Ziyad Ibn Hudair that Ali said: If I survive and become free for the Christians of Banu Taghlib, I will kill their fighters, and take as captives their (women and) children, for I wrote the document between and the Messenger of Allah "Allah's blessing and peace be upon him" in which they should not convert their offspring into Christianity.

Abu Dawud says: This narration is strongly rejected by almost all the religious scholars.

3041- It is narrated on the authority of Ibn Abbas that he said: The Messenger of Allah "Allah's blessing and peace be upon him" made a peace treaty with the Christians of Najran for a yearly one thousand suits, five hundred of which to be given to the Muslims in Safar, and the rest in Rajab, in addition to a loan of thirty armours, thirty horses, thirty camels, and thirty items of every kind of weapon therewith to fight, and the Muslims should act as guarantors until they would be restored to them, in case there is uprising or treachery, on the condition that no synagogue should be ruined for them, and no bishop should be driven out, nor should they be turned by force away from their religion, (and this treaty is effective) as long as they made no mischief, or did not devour usury. Isma'il said: But, they devoured usury.

Abu Dawud says: If they repeal the treaty after stipulating the conditions, then, they did mischief.

[ت30/م29، 30] ـ باب في أخذ الجزية

3037 ـ حدّثنا الْعَبَّاسُ بنُ عَبْدِ الْعَظِيم: حدَّثنا سَهْلُ بنُ مُحَمَّدٍ: حدَّثنا يَحْيَى بنُ أَبي زَائِدَةَ، عن مُحَمَّدِ بنِ إِسْحَاقَ، عن عَاصِمِ بنِ عُمَرَ، عن أَنَسِ بنِ مَالِكٍ، وَعَنْ عُثْمَانَ بنِ أَبي سُلَيْمَانَ: «أَنَّ النَّبِيَّ ﷺ بَعَثَ خَالِدَ بنَ الْوَلِيدِ إِلَى أُكَيْدِرِ دُومَةَ، فأُخِذَ فَأَتَوهُ بِهِ، فَحَقَنَ لَهُ دَمَهُ، وَصَالَحَهُ عَلَى الْجِزْيَةِ».

3038 ـ حدّثنا عَبْدُ اللَّهِ بنُ مُحَمَّدٍ النُّفَيْلِيُّ: حدَّثنا أَبُو مُعَاوِيَةَ، عن الأَعْمَشِ، عن أَبي وَائِلٍ، عن مُعَاذٍ: «أَنَّ النَّبِيَّ ﷺ لَمَّا وَجَّهَهُ إِلَى الْيَمَنِ أَمَرَهُ أَنْ يَأْخُذَ مِنْ كُلِّ حَالِمٍ ـ يَعْنِي مُحْتَلِمًا ـ دِينَارًا أَوْ عِدْلَهُ مِنَ المَعَافِرِيِّ ثِيَابٌ تَكُونُ بالْيَمَنِ».

3039 ـ حدّثنا النُّفَيْلِيُّ: حدَّثنا أَبُو مُعَاوِيَةَ: حدَّثنا الأَعْمَشُ عن إِبْرَاهِيمَ، عَنْ مَسْرُوقٍ، عن مُعَاذٍ، عن النَّبِيِّ ﷺ مِثْلَهُ.

3040 ـ حدّثنا الْعَبَّاسُ بنُ عَبْدِ الْعَظِيم: حدَّثنا عَبْدُ الرَّحْمَنِ بنُ هَانِىءٍ أَبُو نَعِيمٍ النَّخَعِيُّ: أخبرنا شَرِيكٌ، عن إِبْرَاهِيمَ بنِ مُهَاجِرٍ، عن زِيَادِ بنِ حُدَيْرٍ قالَ: قالَ عَلِيٌّ: «لَئِنْ بَقِيتُ لِنَصَارَى بَنِي تَغْلِبَ لأَقْتُلَنَّ المُقَاتِلَةَ وَلأَسْبِيَنَّ الذُّرِّيَّةَ، فَإِنِّي كَتَبْتُ الْكِتَابَ بَيْنَهُمْ وبَيْنَ النَّبِيِّ ﷺ عَلَى أَنْ لاَ يُنَصِّرُوا أَبْنَاءَهُمْ».

قال أَبُو دَاوُدَ: هَذَا حَدِيثٌ مُنْكَرٌ، وَبَلَغَنِي عن أَحْمَدَ أَنَّهُ كَانَ يُنْكِرُ هَذَا الْحَدِيثَ إِنْكَارًا شَدِيدًا. وَهُوَ عِنْدَ بَعْضِ النَّاسِ شِبْهُ المَتْرُوكِ وَأَنْكَرُوا هَذَا الْحَدِيثَ عَلَى عَبْدِ الرَّحْمَنِ بنِ هَانِىءٍ.

قالَ أَبُو عَلِيٍّ ـ هو اللُّؤْلُؤِيُّ ـ: وَلَمْ يَقْرَأْهُ أَبُو دَاوُدَ فِي الْعَرْضَةِ الثَّانِيَةِ.

3041 ـ حدّثنا مُصَرِّفُ بنُ عَمْرٍو الْيَامِيُّ: حدَّثنا يُونُسُ ـ يَعْنِي ابنَ بُكَيْرٍ ـ: حدَّثنا أَسْبَاطُ بنُ نَصْرٍ الْهَمْدَانِيُّ، عن إِسْمَاعِيلَ بنِ عَبْدِ الرَّحْمَنِ الْقُرَشِيِّ، عن ابنِ عَبَّاسٍ قالَ: «صَالَحَ رَسُولُ اللَّهِ ﷺ أَهْلَ نَجْرَانَ عَلَى أَلْفَي حُلَّةٍ، النِّصْفُ فِي صَفَرٍ وَالنِّصْفُ فِي رَجَبٍ يُؤَدُّونَهَا إِلَى المُسْلِمِينَ وَعَارِيَةِ ثَلاَثِينَ دِرْعًا وَثَلاَثِينَ فَرَسًا وَثَلاَثِينَ بَعِيرًا وَثَلاَثِينَ مِنْ كُلِّ صِنْفٍ مِنْ أَصْنَافِ السِّلاَحِ يَغْزُونَ بِهَا، وَالمُسْلِمُونَ ضَامِنُونَ لَهَا حَتَّى يَرُدُّوهَا عَلَيْهِمْ إِنْ كَانَ بالْيَمَنِ أَوْ غَدْرَةٍ، عَلَى أَنْ لا تُهْدَمَ لَهُمْ بَيْعَةٌ، وَلاَ يُخْرَجَ لَهُمْ قَسٌّ، وَلاَ يُفْتَنُوا عَنْ دِينِهِمْ، مَا لَمْ يُحْدِثُوا حَدَثًا، أَوْ يَأْكُلُوا الرِّبَا».

قال إِسْمَاعِيلُ: فَقَدْ أَكَلُوا الرِّبَا.

قال أَبُو دَاوُدَ: إِذَا نَقَضُوا بَعْضَ مَا اشْتَرَطَ عَلَيْهِمْ فَقَدْ أَحْدَثُوا.

[31] Taking The Jizyah From The Magians

3042- It is narrated on the authority of Ibn Abbas that he said: When the Prophet of the Persians died, Iblis set Magianism for them.

3043- It is narrated on the authority of Bajalah while relating to both Amr Ibn Aws and Abu Ash-Sha'tha', saying: I was the clerk of Jaz' Ibn Mu'awiyah, the paternal uncle of Al-Ahnaf Ibn Qais when the letter of Umar reached us a year before his death, in which he said: "Kill every sorcerer, and part every unlawful relation among the Magians, and forbid them to practice murmuring on their food." On that very day, we killed three sorcerers, and parted every man among the Magians from such (of women) as unlawful for him to marry in accordance with (the laws of) Allah's Book, and he made much food and invited them to take their meal, showing them the sword on his thigh, thereupon they ate without murmuring. They further threw as much as a mule's load of silver in which they used to eat. Furthermore, Umar did not accept the Jizyah from the Magians until Abd Ar-Rahman Ibn Awf bore witness that the Messenger of Allah "Allah's blessing and peace be upon him" accepted the Jizyah from the Magians of Hajar.

3044- It is narrated on the authority of Ibn Abbas that he said: A man from the Magians of Bahrain (at that time), i.e. from the Magians of Hajar, came to the Messenger of Allah "Allah's blessing and peace be upon him", and sat with him for a while after which he came out. I asked him: "What is the judgement of Allah and His Messenger on you?" he said: "Evil." I said: "What is that?" he said: "Either to embrace Islam, or killing (would be practiced upon us)." But Abd Ar-Rahman Ibn Awf told that the Messenger of Allah "Allah's blessing and peace be upon him" accepted the Jizyah from them. However, the people adopted the statement of Ibn Abbas, and paid no attention to what I heard from the Magian of Bahrain.

[32] The Severe Necessity Of Collecting The Jizyah

3045- It is narrated on the authority of Urwah Ibn Az-Zubair that Hisham Ibn Hakim Ibn Hizam found a man who was appointed as governor of Hims having some people from amongst the Copts stand in the heat of the sun (for their refusal or delay in paying) the Jizyah. On that he said: "What is that which you are doing? I heard the Messenger of Allah "Allah's blessing and peace be upon him" having said: "No doubt, Allah Almighty punishes (in the hereafter) such as punishes the people in the world."

[ت31/م31] ـ باب في أخذ الجزية من المجوس

3042 ـ حدّثنا أَحْمَدُ بنُ سِنَانٍ الْوَاسِطِيُّ: حدَّثنا مُحَمَّدُ بنُ بِلاَلٍ، عن عِمْرَانَ الْقَطَّانِ، عن أَبِي جَمْرَةَ، عن ابنِ عَبَّاسٍ قال: «إِنَّ أَهْلَ فَارِسَ لَمَّا مَاتَ نَبِيُّهُمْ كَتَبَ لَهُمْ إِبْلِيسُ الْمَجُوسِيَّةَ».

3043 ـ حدّثنا مُسَدَّدُ بنُ مُسَرْهَدٍ: حدَّثنا سُفْيَانُ، عن عَمْرِو بنِ دِينَارٍ سَمِعَ بَجَالَةَ يُحَدِّثُ عَمْرَو بنَ أَوْسٍ وَأَبَا الشَّعْثَاءِ قال: «كُنْتُ كَاتِبًا لِجَزْءِ بنِ مُعَاوِيَةَ عَمِّ الأَحْنَفِ بنِ قَيْسٍ إِذْ جَاءَنَا كِتَابُ عُمَرَ قَبْلَ مَوْتِهِ بِسَنَةٍ: اقْتُلُوا كُلَّ سَاحِرٍ وَفَرِّقُوا بَيْنَ كُلِّ ذِي مَحْرَمٍ مِنَ الْمَجُوسِ، وَانْهُوهُمْ عن الزَّمْزَمَةِ، فَقَتَلْنَا فِي يَوْمٍ ثَلاَثَةَ سَوَاحِرَ وَفَرَّقْنَا بَيْنَ كُلِّ رَجُلٍ مِنَ الْمَجُوسِ وَحَرِيمِهِ فِي كِتَابِ اللَّهِ تَعَالَى، وَصَنَعَ طَعَامًا كَثِيرًا فَدَعَاهُمْ فَعَرَضَ السَّيْفَ عَلَى فَخِذِهِ، فَأَكَلُوا وَلَمْ يُزَمْزِمُوا وَأَلْقَوْا وِقْرَ بَغْلٍ أَوْ بَغْلَتَيْنِ مِنَ الْوَرِقِ، وَلَمْ يَكُنْ عُمَرُ أَخَذَ الْجِزْيَةَ مِنَ الْمَجُوسِ حَتَّى شَهِدَ عَبْدُ الرَّحْمَنِ بنُ عَوْفٍ أَنَّ رَسُولَ اللَّهِ ﷺ أَخَذَهَا مِنْ مَجُوسِ هَجَرَ».

3044 ـ حدّثنا مُحَمَّدُ بنُ مِسْكِينٍ الْيَمَامِيُّ: حدَّثنا يَحْيَى بنُ حَسَّانَ: حدَّثنا هُشَيْمٌ، أَنْبَأَنَا دَاوُدُ بنُ أَبِي هِنْدٍ، عن قُشَيْرِ بنِ عَمْرٍو، عن بَجَالَةَ بنِ عَبْدَةَ، عَنِ ابنِ عَبَّاسٍ قالَ: «جَاءَ رَجُلٌ مِنَ الأَسْبَذِيِّينَ مِنْ أَهْلِ الْبَحْرَيْنِ وَهُمْ مَجُوسُ أَهْلِ هَجَرَ إِلَى رَسُولِ اللَّهِ ﷺ فَمَكَثَ عِنْدَهُ ثُمَّ خَرَجَ فَسَأَلْتُهُ: مَا قَضَى اللَّه وَرَسُولُهُ فِيكُمْ؟ قال: شَرٌّ، قُلْتُ: مَهْ؟ قَالَ: الإِسْلاَمُ أَوْ الْقَتْلُ».

قَالَ: وَقَالَ عَبْدُ الرَّحْمَنِ بنُ عَوْفٍ: قَبِلَ مِنْهُمُ الْجِزْيَةَ.

قال ابنُ عَبَّاسٍ: فَأَخَذَ النَّاسُ بِقَوْلِ عَبْدِ الرَّحْمَنِ وَتَرَكُوا مَا سَمِعْتُ أَنَا مِنَ الأَسْبَذِيِّ.

[ت32/م30، 32] ـ باب في التشديد في جباية الجزية

3045 ـ حدّثنا سُلَيْمَانُ بنُ دَاوُدَ الْمَهْرِيُّ: أخبرنا ابنُ وَهْبٍ: أخبرني يُونُسُ بنُ يَزِيدَ، عن ابنِ شِهَابٍ، عن عُرْوَةَ بنِ الزُّبَيْرِ: «أَنَّ هِشَامَ بنَ حَكِيمِ بنِ حِزَامٍ وَجَدَ رَجُلاً وَهُوَ عَلَى حِمْصَ يُشَمِّسُ نَاسًا مِنَ الْقِبْطِ فِي أَدَاءِ الْجِزْيَةِ فَقَالَ: مَا هَذَا؟ سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «**إِنَّ اللَّهَ عَزَّ وَجَلَّ يُعَذِّبُ الَّذِينَ يُعَذِّبُونَ النَّاسَ فِي الدُّنْيَا**».

[33] Taking One-Tenth The Income Of The Non-Muslims Who Live With The Muslims Under Covenant Of Safety When They Vary In Their Property And Goods

3046- It is narrated on the authority of Harb Ibn Ubaidullah from his grandfather from the side of his mother from his father that the Messenger of Allah "Allah's blessing and peace be upon him" said: "No doubt, one-tenth the property is due upon both the Jews and Christians (who live with Muslims by virtue of safety covenant), and such a one-tenth the property is not binding upon the Muslims."

3047- The same is narrated on the authority of Harb Ibn Ubaidullah from his grandfather from the side of his mother from his father from the Messenger of Allah "Allah's blessing and peace be upon him", with the exchange of "Tax" for "one-tenth the property".

3048- It is narrated on the authority of Ata' from a man belonging to Banu Bakr Ibn Wa'il from his maternal uncle that he said: I said to the Messenger of Allah "Allah's blessing and peace be upon him": "O Messenger of Allah! Should I take one-tenth the property from my people?" the Messenger of Allah "Allah's blessing and peace be upon him" said: "No doubt, one-tenth the property is due only upon both Jews and Christians."

3049- It is narrated on the authority of Harb Ibn Ubaidullah Ibn Amir Ath-Thaqafi from his grandfather belonging to Banu Taghlib that he said: I went to the Messenger of Allah "Allah's blessing and peace be upon him" and embraced Islam, and the Messenger of Allah taught me (the principles of) Islam, and how to take the obligatory charity from the Muslims among my people. Later on, I returned to him and said: "O Messenger of Allah! I've learnt all of what you instructed me except the way of taking the obligatory charity from my people: should I take one-tenth their property?" on that the Messenger of Allah "Allah's blessing and peace be upon him" said: "No, for one-tenth the property is due only upon both Christians and Jews."

3050- It is narrated on the authority of Al-Irbad Ibn Sariyah that he said: We descended at Khaibar with the Messenger of Allah "Allah's blessing and peace be upon him" and his companions, and the governor of Khaibar was a strong wicked man. He came to the Messenger of Allah "Allah's blessing and peace be upon him" and said: "O Muhammad! Do you have the right to slaughter (and eat) our asses, eat our fruits and have sexual relations with our women (illegally)?" the Messenger of Allah "Allah's

[ت33/م31، 33] ـ باب في تعشير أَهل الذمة إذا اختلفوا بالتجارات

3046 ـ حدّثنا مُسَدَّدٌ: حدَّثنا أَبُو الأَحْوَصِ: أَخبرنا عَطَاءُ بنُ السَّائِبِ، عن حَرْبِ بنِ عُبَيْدِ اللَّهِ، عن جَدِّهِ أَبِي أُمِّهِ، عن أَبِيهِ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «**إِنَّمَا الْعُشُورُ عَلَى الْيَهُودِ وَالنَّصَارَى، وَلَيْسَ عَلَى الْمُسْلِمِينَ عُشُورٌ**».

3047 ـ حدّثنا مُحَمَّدُ بنُ عُبَيْدٍ الْمُحَارِبِيُّ: حدَّثنا وَكِيعٌ، عن سُفْيَانَ، عن عَطَاءِ بنِ السَّائِبِ، عن حَرْبِ بنِ عُبَيْدِ اللَّهِ، عن النَّبِيِّ ﷺ بِمَعْنَاهُ قَالَ: «**خَرَاجٌ**» مَكَانَ «**الْعُشُورِ**».

3048 ـ حدّثنا مُحَمَّدُ بنُ بَشَّارٍ: أَخبرنا عَبْدُ الرَّحْمَنِ: أَخبرنا سُفْيَانُ، عن عَطَاءٍ، عن رَجُلٍ مِنْ بَكْرِ بنِ وَائِلٍ، عن خَالِهِ قَالَ: قُلْتُ: يَا رَسُولَ اللَّهِ أُعشِّرُ قَوْمِي؟ قَالَ: «**إِنَّمَا الْعُشُورُ عَلَى الْيَهُودِ وَالنَّصَارَى**».

3049 ـ حدّثنا مُحَمَّدُ بنُ إِبْرَاهِيمَ الْبَزَّازُ: أَخبرنا أَبُو نَعِيمٍ: حدَّثنا عَبْدُ السَّلاَمِ، عن عَطَاءِ بنِ السَّائِبِ، عن حَرْبِ بنِ عُبَيْدِ اللَّهِ بنِ عُمَيْرٍ الثَّقَفِيِّ، عن جَدِّهِ ـ رَجُلٍ مِنْ بَنِي تَغْلِبَ ـ قال: أَتَيْتُ النَّبِيَّ ﷺ فَأَسْلَمْتُ وَعَلَّمَنِي الإِسْلاَمَ وَعَلَّمَنِي كَيْفَ آخُذُ الصَّدَقَةَ مِنْ قَوْمِي مِمَّنْ أَسْلَمَ، ثُمَّ رَجَعْتُ إِلَيْهِ، فَقُلْتُ: يَا رَسُولَ اللَّهِ كُلُّ مَا عَلَّمْتَنِي قَدْ حَفِظْتُ إِلاَّ الصَّدَقَةَ أَفَأُعَشِّرُهُمْ؟ قَالَ: «**لاَ إِنَّمَا الْعُشُورُ عَلَى النَّصَارَى وَالْيَهُودِ**».

3050 ـ حدّثنا مُحَمَّدُ بنُ عِيسَى: حدَّثنا أَشْعَثُ بنُ شُعْبَةَ: حدَثنا أَرْطَأَةُ بنُ الْمُنْذِرِ، قال: سَمِعْتُ حَكِيمَ بنَ عُمَيْرٍ أَبَا الأَحْوَصِ يُحَدِّثُ، عن الْعِرْبَاضِ بنِ سَارِيَةَ السُّلَمِيِّ قال: نَزَلْنَا مَعَ النَّبِيِّ ﷺ خَيْبَرَ وَمَعَهُ مِنْ أَصْحَابِهِ وَكَانَ صَاحِبُ خَيْبَرَ رَجُلاً مَارِدًا مُنْكَرًا فَأَقْبَلَ إِلَى النَّبِيِّ ﷺ فَقَالَ: يَا مُحَمَّدُ أَلَكُمْ أَنْ تَذْبَحُوا حُمُرَنَا وَتَأْكُلُوا ثَمَرَنَا وَتَضْرِبُوا نِسَاءَنَا؟ فَغَضِبَ

blessing and peace be upon him" grew vary angry, and said: "O Ibn Awf! Ride your horse and make a public announcement that the Garden is not lawful but for a faithful believer" and do it (once again) when they gather for the congregational prayer." They gather for the congregational prayer, and when the Messenger of Allah "Allah's blessing and peace be upon him" led the prayer, the Messenger of Allah "Allah's blessing and peace be upon him" stood and addressed them saying: "Do anyone of you, while reclining against his cushion, that Allah has not made unlawful but what is in that Book (i.e. the Qur'an)? Behold! I have admonished, commanded, and forbidden things which are as much as the like of, if not more than, what is in the Qur'an. Indeed, Allah Almighty has not made lawful for you to enter the houses of the people of Scripture but with their leave, nor to have sexual relation with their women, nor to eat of their fruits as long as they (are committed to the covenant they make with you and) give you what is due upon them."

3051- It is narrated on the authority of Hilal from a man belonging to Thaqif, from a man belonging to Juhainah that the Messenger of Allah "Allah's blessing and peace be upon him" said: "You would fight a people and emerge victorious over them, with the result that they would safeguard their own selves and offspring from you with their property, and make peace treaty with you on that: so, do not get anything beyond that from them, for it would be unfitting for you."

3052- It is narrated on the authority of Safwan Ibn Sulaim from many sons of the companions of the Messenger of Allah "Allah's blessing and peace be upon him" from their close fathers that the Messenger of Allah "Allah's blessing and peace be upon him" said: "Behold! He, who wrongs such as has a covenant (of safety with the Muslims), reduces from what is due to him, asks him what is beyond his capacity, or takes anything from him without his good pleasure, I will be his opponent on the Day of Judgement."

[34] When A Non-Muslim Who Has A Covenant With The Muslims Embraces Islam During The Year: Should A Jizyah Be Due Upon Him

3053- It is narrated on the authority of Ibn Abbas that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "No Jizyah is due upon a Muslim."

3054- It is narrated on the authority of Sufyan that he was asked about the interpretation of that statement, thereupon he said: "If he embraces Islam (at any time during the year), no Jizyah is due upon him."

يَعْنِي النَّبِيَّ ﷺ وَقَالَ: «**يَا ابْنَ عَوْفٍ ارْكَبْ فَرَسَكَ ثُمَّ نَادِ: أَلاَ إِنَّ الْجَنَّةَ لاَ تَحِلُّ إِلاَّ لِمُؤْمِنٍ وَأَنِ اجْتَمِعُوا لِلصَّلاَةِ**».

قَالَ: فَاجْتَمَعُوا ثُمَّ صَلَّى بِهِمْ النَّبِيُّ ﷺ ثُمَّ قَامَ فَقَالَ: «**أَيَحْسَبُ أَحَدُكُمْ مُتَّكِئًا عَلَى أَرِيكَتِهِ قَدْ يَظُنَّ أَنَّ اللَّه لَمْ يُحَرِّمْ شَيْئًا إِلاَّ مَا فِي هَذَا الْقُرْآنِ أَلاَ وَإِنِّي وَاللَّه قَدْ وَعَظْتُ وَأَمَرْتُ وَنَهَيْتُ عن أَشْيَاءَ إِنَّهَا لَمِثْلُ الْقُرْآنِ أَوْ أَكْثَرُ. وأَنَّ اللَّهَ تَعَالَى لَمْ يُحِلَّ لَكُمْ أَنْ تَدْخُلُوا بُيُوتَ أَهْلِ الْكِتَابِ إِلاَّ بِإِذْنٍ وَلاَ ضَرْبَ نِسَائِهِمْ وَلاَ أَكْلَ ثِمَارِهِمْ إِذَا أَعْطُوكُمُ الَّذِي عَلَيْهِمْ**».

3051 ـ حدّثنا مُسَدَّدٌ، وَسَعِيدُ بنُ مَنْصُورٍ قَالاَ: حدَّثنا أَبُو عَوَانَةَ، عن مَنْصُورٍ، عن هِلاَلٍ، عن رَجُلٍ مِن ثَقِيفٍ، عن رَجُلٍ مِن جُهَيْنَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «**لَعَلَّكُمْ تُقَاتِلُونَ قَوْمًا فَتَظْهَرُونَ عَلَيْهِمْ فَيَتَّقُونَكُم بِأَمْوَالِهِمْ دُونَ أَنْفُسِهِمْ وَأَبْنَائِهِمْ**». قالَ سَعِيدٌ فِي حَدِيثِهِ: «**فَيُصَالِحُونَكُمْ عَلَى صُلْحٍ**» ثُمَّ اتَّفَقَا: «**فَلاَ تُصِيبُوا مِنْهُمْ شَيْئًا فَوْقَ ذَلِكَ فَإِنَّهُ لاَ يَصْلُحُ لَكُمْ**».

3052 ـ حدّثنا سُلَيْمَانُ بنُ دَاوُدَ المَهْرِيُّ: أَنْبَأَنَا ابنُ وَهْبٍ: حَدَّثَنِي أَبُو صَخْرٍ المَدِينِيُّ أَنَّ صَفْوَانَ بنَ سُلَيْمٍ أَخْبَرَهُ، عن عِدَّةٍ مِنْ أَبْنَاءِ أَصْحَابِ رَسُولِ اللَّهِ ﷺ، عن آبَائِهِمْ دِنْيَةً، عَنْ رَسُولِ اللَّهِ ﷺ قَالَ: «**أَلاَ مَنْ ظَلَمَ مُعَاهَدًا أَوِ انْتَقَصَهُ أَوْ كَلَّفَهُ فَوْقَ طَاقَتِهِ أَوْ أَخَذَ مِنْهُ شَيْئًا بِغَيْرِ طِيبِ نَفْسٍ فَأَنَا حَجِيجُهُ يَوْمَ الْقِيَامَةِ**».

[ت34/م32، 34] ـ باب في الذمي يسلم في بعض السنة هل عليه جزية؟

3053 ـ حدّثنا عَبْدُ اللَّهِ بنُ الْجَرَّاحِ، عن جَرِيرٍ، عن قَابُوسَ، عن أَبِيهِ، عن ابنِ عَبَّاسٍ قالَ: قالَ رَسُولُ اللَّهِ ﷺ: «**لَيْسَ عَلَى مُسْلِمٍ جِزْيَةٌ**».

3054 ـ حدّثنا مُحَمَّدُ بنُ كَثِيرٍ قَالَ: «سُئِلَ سُفْيَانُ يَعْنِي عن تَفْسِيرِ هَذَا فَقَالَ: إِذَا أَسْلَمَ فَلاَ جِزْيَةَ عَلَيْهِ».

[35] Could The Ruler Accept The Presents Of The Pagans?

3055- It is narrated on the authority of Abdullah Al-Hawazani that he said: I met Bilal, the Mu'adhdhin of the Messenger of Allah "Allah's blessing and peace be upon him" in Helab and said: "O Bilal! Tell me: How did the Messenger of Allah "Allah's blessing and peace be upon him" use to get his spendings?" he said: "He had no resources: I was in charge of that matter since Allah Almighty sent him (as a Messenger) until he died. Whenever a Muslim person came to him, and he was naked and hungry, he would order me to go and loan some money and buy a dress and food for him. I kept doing so until a man from amongst the pagans met me on the way and said: "O Bilal! I have abundance of money: so, loan not but from me." I did accordingly. One day, I got up and performed ablution to call for the prayer, and behold! The pagan came in the company of a pact of traders, and when he saw me he said: "O an Abyssinian!" I said: "I'm responding to your call." He met me with discontentment and talked to me harshly saying: "Do you know how long will it remain to the end of the month (when the specific term of your loan will expire)?" I said: "Very short period." He said: "It is only four days (up to the end of the month, and if you fail to repay your loan) I will take you with what you are owing me, and return you to graze the animals as you were." I felt the same (terror) as the people (in such a state) might feel until when I offered the Isha prayer the Messenger of Allah "Allah's blessing and peace be upon him" returned to his family. I asked for his permission to enter into him, and he gave me permission. I said to him: "O Messenger of Allah! Let my father and mother be sacrificed for you! The pagan from whom I used to loan money said to me such and such words, and you have nothing therewith to fulfill the debt to him on my behalf, nor do I, and he would put me to shame: so, give me permission to go and stay in one of those districts whose people have embraced Islam until Allah Almighty bestows upon His Messenger what would fulfill the debt on my behalf." I came out and returned home, and placed my sword, leather container, sandals and shield near my head, until when the first portion of the morning broke, and I intended to go out, behold! a man was running and calling: "O Bilal! Answer the invitation of the Messenger of Allah "Allah's blessing and peace be upon him"!" I set out until I reached his house, and behold! There were four kneeling mounts having their loads over them. I asked for permission (and when I was admitted) the Messenger of Allah "Allah's blessing and peace be upon him" said to me: "Have the glad tidings! Allah Almighty has brought the fulfillment of your debt." He further said: "Have you not seen the four

[ت35/ م33، 35] ـ باب في الإمام يقبل هدايا المشركين

3055 ـ حدّثنا أَبُو تَوْبَةَ الرَّبِيعُ بنُ نَافِعٍ: حدَّثنا مُعَاوِيَةُ ـ يَعْنِي ابنَ سَلاَّمٍ ـ، عن زَيْدٍ أَنَّهُ سَمِعَ أَبَا سَلاَّم قَالَ: حَدَّثَنِي عَبْدُ اللَّهِ الْهَوْزَنِيُّ قَالَ: لَقِيتُ بِلاَلاً مُؤَذِّنَ رَسُولِ اللَّهِ ﷺ بِحَلَبَ، فَقُلْتُ: يَا بِلاَلُ حَدِّثْنِي كَيْفَ كَانَتْ نَفَقَةُ رَسُولِ اللَّهِ ﷺ؟ قَالَ: مَا كَانَ لَهُ شَيْءٌ كُنْتُ أَنَا الَّذِي أَلِي ذَلِكَ مِنْهُ مُنْذُ بَعَثَهُ اللَّهُ تَعَالَى إِلَى أَنْ تُوُفِّيَ رَسُولُ اللَّهِ ﷺ، وَكَانَ إِذَا أَتَاهُ الإِنْسَانُ مُسْلِمًا فَرَآهُ عَارِيًا يَأْمُرُنِي فَأَنْطَلِقُ فَأَسْتَقْرِضُ فَأَشْتَرِي لَهُ الْبُرْدَةَ فَأَكْسُوهُ وَأُطْعِمُهُ حَتَّى اعْتَرَضَنِي رَجُلٌ مِنَ الْمُشْرِكِينَ فَقَالَ: يَا بِلاَلُ إِنَّ عِنْدِي سَعَةً فَلاَ تَسْتَقْرِضْ مِنْ أَحَدٍ إِلاَّ مِنِّي، فَفَعَلْتُ.

فَلَمَّا أَنْ كَانَ ذَاتُ يَوْمٍ تَوَضَّأْتُ ثُمَّ قُمْتُ لأُؤَذِّنَ بِالصَّلاَةِ فَإِذَا الْمُشْرِكُ قَدْ أَقْبَلَ فِي عِصَابَةٍ مِنَ التُّجَّارِ، فَلَمَّا أَنْ رَآنِي، قال: يَا حَبَشِيُّ، قُلْتُ: يَا لَبَّاهُ، فَتَجَهَّمَنِي وَقَالَ لِي قَوْلاً غَلِيظًا، وَقالَ لِي: أَتَدْرِي كَمْ بَيْنَكَ وَبَيْنَ الشَّهْرِ؟ قَالَ قُلْتُ: قَرِيبٌ، قَالَ: إِنَّمَا بَيْنَكَ وَبَيْنَهُ أَرْبَعٌ فَآخُذُكَ بِالَّذِي عَلَيْكَ فَأَرُدُّكَ تَرْعَى الْغَنَمَ كَمَا كُنْتَ قَبْلَ ذَلِكَ، فَأَخَذَ فِي نَفْسِي مَا يَأْخُذُ فِي أَنْفُسِ النَّاسِ حَتَّى إِذَا صَلَّيْتُ الْعَتَمَةَ رَجَعَ رَسُولُ اللَّهِ ﷺ إِلَى أَهْلِهِ، فَاسْتَأْذَنْتُ عَلَيْهِ، فَأَذِنَ لِي، فَقُلْتُ: يَا رَسُولَ اللَّهِ بِأَبِي أَنْتَ وَأُمِّي إِنَّ الْمُشْرِكَ الَّذِي كُنْتُ أَتَدَيَّنُ مِنْهُ قَالَ لِي كَذَا وَكَذَا وَلَيْسَ عِنْدَكَ مَا تَقْضِي عَنِّي وَلاَ عِنْدِي وَهُوَ فَاضِحِي، فَأْذَنْ لِي أَنْ آبَقَ إِلَى بَعْضِ هَؤُلاَءِ الأَحْيَاءِ الَّذِينَ قَدْ أَسْلَمُوا حَتَّى يَرْزُقَ اللَّهُ تَعَالَى رَسُولَهُ ﷺ مَا يَقْضِي عَنِّي.

فَخَرَجْتُ حَتَّى إِذَا أَتَيْتُ مَنْزِلِي فَجَعَلْتُ سَيْفِي وَجِرَابِي وَنَعْلِي وَمِجَنِّي عِنْدَ رَأْسِي حَتَّى إِذَا انْشَقَّ عَمُودُ الصُّبْحِ الأَوَّلِ أَرَدْتُ أَنْ أَنْطَلِقَ فَإِذَا إِنْسَانٌ يَسْعَى يَدْعُو: يَا بِلاَلُ أَجِبْ رَسُولَ اللَّهِ ﷺ، فَانْطَلَقْتُ حَتَّى أَتَيْتُهُ فَإِذَا أَرْبَعُ رَكَائِبَ مُنَاخَاتٍ عَلَيْهِنَّ أَحْمَالُهُنَّ، فَاسْتَأْذَنْتُ، فَقَالَ لِي رَسُولُ اللَّهِ ﷺ: «**أَبْشِرْ فَقَدْ جَاءَكَ اللَّهُ تَعَالَى بِقَضَائِكَ**»، ثُمَّ قَالَ: «**أَلَمْ تَرَ الرَّكَائِبَ الْمُنَاخَاتِ الأَرْبَعِ**؟» فَقُلْتُ:

kneeling mounts?" I said: "Yes." He said: "You have the right to dispose of them with their loads. Over them there were clothes and food presented to me by the chief of Fadak. Take hold of them and fulfill your debt." I did accordingly. Then, I went to the mosque, and behold! The Messenger of Allah "Allah's blessing and peace be upon him" was sitting in the mosque. I saluted him and he asked me: "What has that (property which is with) you done?" I said: "Allah Almighty has fulfilled all that was due upon the Messenger of Allah "Allah's blessing and peace be upon him", and there remains nothing due upon him." He asked: "Has anything remained (out of the property)?" I answered in the affirmative, thereupon he said: "I'm waiting until you relieve me of it (by giving it in charity): I will not visit anyone of my wives until you relieve me of it." When the Messenger of Allah "Allah's blessing and peace be upon him" offered the Isha prayer he invited me and said: "What has that (property which is with) you done?" I said: "It is still with me, for none has come to us (so that I would give to him out of it)." The Messenger of Allah "Allah's blessing and peace be upon him" spent this night in the mosque, and (remained there) until when he offered the Isha prayer of the coming day he invited me and said: "What has that (property which is with) you done?" I said: "Allah has relieved you of it O Messenger of Allah." He magnified Allah and praised him for fear that death might approach him while he had this property. I followed him and he visited his wives, and saluted them one after another, until he reached the dwelling place in which he would spend this night. This is what you have asked me about.

3056- The same is narrated on the authority of Mu'awiyah, through the same chain of transmitters, with the addition that when he said: "and you have nothing therewith to fulfill the debt to him on my behalf, nor do I, and he would put me to shame." On that the Messenger of Allah "Allah's blessing and peace be upon him" kept silent, and gave no reply to me; and I disliked that critical state in which I was...and the rest is the same.

3057- It is narrated on the authority of Ayad Ibn Himar that he said: I presented a she-camel to the Messenger of Allah "Allah's blessing and peace be upon him", thereupon he asked me: "Have you embraced Islam?" I answered in the negative, thereupon the Messenger of Allah "Allah's blessing and peace be upon him" said: "I've been forbidden to accept the presents of the pagans."

بَلَى، فَقَالَ: «**إِنَّ لَكَ رِقَابَهُنَّ وَمَا عَلَيْهِنَّ، فَإِنَّ عَلَيْهِنَّ كِسْوَةً وَطَعَامًا أَهْدَاهُنَّ إِلَيَّ عَظِيمُ فَدَكَ، فَاقْبِضْهُنَّ وَاقْضِ دَيْنَكَ**»، فَفَعَلْتُ. فَذَكَرَ الْحَدِيثَ.

ثُمَّ انْطَلَقْتُ إِلَى الْمَسْجِدِ فَإِذَا رَسُولُ اللَّهِ ﷺ قَاعِدٌ فِي الْمَسْجِدِ، فَسَلَّمْتُ عَلَيْهِ فقَالَ: «**مَا فَعَلَ مَا قِبَلَكَ؟**» قُلْتُ: قَدْ قَضَى اللَّهُ تَعَالَى كُلَّ شَيْءٍ كَانَ عَلَى رَسُولِ اللَّهِ ﷺ فَلَمْ يَبْقَ شَيْءٌ. قَالَ: «**أَفَضَلَ شَيْءٌ؟**» قُلْتُ: نَعَمْ. قَالَ: «**انْظُرْ أَنْ تُرِيحَنِي مِنْهُ فَإِنِّي لَسْتُ بِدَاخِلٍ عَلَى أَحَدٍ مِنْ أَهْلِي حَتَّى تُرِيحَنِي مِنْهُ**»، فَلَمَّا صَلَّى رَسُولُ اللَّهِ ﷺ الْعَتَمَةَ دَعَانِي فقال: «**مَا فَعَلَ الَّذِي قِبَلَكَ؟**» قال: قُلْتُ: هُوَ مَعِي لَمْ يَأْتِنَا أَحَدٌ، فَبَاتَ رَسُولُ اللَّهِ ﷺ فِي الْمَسْجِدِ وَقَصَّ الْحَدِيثَ.

حَتَّى إِذَا صَلَّى الْعَتَمَةَ ـ يَعْنِي مِنَ الْغَدِ ـ دَعَانِي قَالَ: «**مَا فَعَلَ الَّذِي قِبَلَكَ؟**» قَالَ قُلْتُ: قَدْ أَرَاحَكَ اللَّهُ مِنْهُ يا رَسُولَ اللَّهِ، فَكَبَّرَ وَحَمِدَ اللَّه شَفَقًا مِنْ أَنْ يُدْرِكَهُ الْمَوْتُ وَعِنْدَهُ ذَلِكَ، ثُمَّ اتَّبَعْتُهُ حَتَّى إِذَا جَاءَ أَزْوَاجَهُ فَسَلَّمَ عَلَى امْرَأَةٍ امْرَأَةٍ حَتَّى أَتَى مَبِيتَهُ. فَهَذَا الَّذِي سَأَلْتَنِي عَنْهُ.

3056 ـ حدّثنا مَحْمُودُ بنُ خَالِدٍ: حدَّثنا مَرْوَانُ بنُ مُحَمَّدٍ: حدَّثنا مُعَاوِيَةُ بِمَعْنَى إِسْنَادِ أَبِي تَوْبَةَ وَحَدِيثِهِ، قال عِنْدَ قَوْلِهِ: «**مَا يَقْضِي عَنِّي**»، فَسَكَتَ عَنِّي رَسُولُ اللَّهِ ﷺ، فَاغْتَمَزْتُهَا.

3057 ـ حدّثنا هَارُونُ بنُ عَبْدِ اللَّهِ: حدَّثنا أَبُو دَاوُدَ: حدَّثنا عِمْرَانُ، عن قَتَادَةَ، عن يَزِيدَ بنِ عَبْدِ اللَّهِ بنِ الشِّخِّيرِ، عن عِيَاضِ بنِ حِمارٍ قال: أَهْدَيْتُ إِلَى النَّبِيِّ ﷺ نَاقَةً فقَالَ: «**أَسْلَمْتَ؟**» قُلْتُ: لاَ، فَقَالَ النَّبِيُّ: «**إِنِّي نُهِيتُ عن زَبْدِ الْمُشْرِكِينَ**».

[36] Giving The Pieces Of Land As Fief

3058- It is narrated on the authority of Alqamah Ibn Wa'il from his father that the Messenger of Allah "Allah's blessing and peace be upon him" gave him (a piece of) land as fief in Hadramaut.

3059- The same is narrated on the authority of Alqamah Ibn Wa'il from his father through the same chain of transmitters.

3060- It is narrated on the authority of Amr Ibn Huraith that he said: The Messenger of Allah "Allah's blessing and peace be upon him" drew with the help of his bow (the borders of) a house for me in Medina (i.e. fixed its location and assigned it to me), and said: "Should I give you increase? Should I give you more?"

3061- It is narrated on the authority of Rabie'ah Ibn Abu Abd Ar-Rahman from more than one that the Messenger of Allah "Allah's blessing and peace be upon him" gave Bilal Ibn Al-Harith Al-Muzani, as fief, the south mines near Far', a place between both Sanctuaries, from which nothing barring the obligatory charity is taken until now.

3062- It is narrated on the authority of Kathir Ibn Abdullah Ibn Amr Ibn Awf Al-Muzani from his father from his grandfather that the Messenger of Allah "Allah's blessing and peace be upon him" allocated to Bilal Ibn Al-Harith Al-Muzani the South mines, the upper and lower of them, and where the land is fitting for cultivation near (the mountain of) Qudus; and he did not give him the right of a Muslim. The Messenger of Allah "Allah's blessing and peace be upon him" wrote to him a document to affirm that in which he said: "In the Name of Allah, Most Gracious, Most Merciful: This is what the Messenger of Allah "Allah's blessing and peace be upon him" allocated to Bilal Ibn Al-Harith Al-Muzani: he granted to him the South mines, the upper and the lower of them, and where the land is fitting for cultivation near (the mountain of) Qudus; and he did not give him the right of a Muslim." A Hadith like this is narrated on the authority of Ikrimah from Ibn Abbas.

3063- It is narrated on the authority of Al-Hunaini that he said: I read it more than once, i.e. the document of the grant given by the Messenger of Allah "Allah's blessing and peace be upon him" to Bilal Ibn Al-Harith. Abu Dawud says: It is narrated on the authority of Kathir Ibn Abdullah Ibn Amr Ibn Awf Al-Muzani from his father from his grandfather that the Messenger of Allah "Allah's blessing and peace be upon him" allocated to Bilal Ibn Al-Harith Al-Muzani the South mines, the upper and the lower of them, and where the land is fitting for cultivation near (the mountain of) Qudus; and

[ت36/م34، 36] ـ باب في إقطاع الأرَضين

3058 ـ حدّثنا عَمْرُو بنُ مَرْزُوقٍ: حدَّثنا شُعْبَةُ، عن سِمَاكٍ، عن عَلْقَمَةَ بنِ وَائِلٍ، عن أبيهِ: «أنَّ النَّبيَّ ﷺ أقْطعَهُ أرْضًا بِحَضْرَمَوتَ».

3059 ـ حدّثنا حَفْصُ بنُ عُمَرَ: حدَّثنا جَامِعُ بنُ مَطَرٍ، عن عَلْقَمَةَ بنِ وَائِلٍ بإِسْنَادِهِ مِثْلَهُ.

3060 ـ حدّثنا مُسَدَّدٌ: حدثنا عَبْدُ اللَّهِ بنُ دَاوُدَ، عنْ فِطْرٍ، قالَ: حَدثني أبي، عنْ عَمْرِو بنِ حُرَيْثٍ قالَ: خَطَّ لِي رَسُولُ اللَّهِ ﷺ دَارًا بالمَدِينَةِ بِقَوْسٍ وَقَالَ: **«أزِيدُكَ؟ أزِيدُكَ؟»**.

3061 ـ حدّثنا عَبْدُ اللَّهِ بنُ مَسْلَمَةَ، عَنْ مَالِكٍ، عنْ رَبِيعَةَ بنِ أبِي عَبْدِ الرَّحْمَنِ، عنْ غَيْرِ وَاحِدٍ: «أنَّ رَسُولَ اللَّهِ ﷺ أقْطعَ بِلاَلَ بنَ الْحَارِثِ الْمُزَنِيَّ مَعَادِنَ الْقَبَلِيَّةِ وَهِيَ مِنْ نَاحِيَةِ الْفُرْعِ فَتِلْكَ المَعَادِنُ لاَ يُؤخَذُ مِنْهَا إلاَّ الزَّكَاةُ إلَى الْيَوْمِ».

3062 ـ حدّثنا الْعَبَّاسُ بنُ مُحَمَّدِ بنِ حَاتِمٍ وَغَيْرُهُ، قال الْعَبَّاسُ: حدَّثنا الْحُسَيْنُ بنُ مُحَمَّدٍ، قال: أخبرنا أبُو أُوَيْسٍ، قالَ: حدثني كَثِيرُ بنُ عَبْدِ اللَّهِ بنِ عَمْرِو بنِ عَوْفٍ المُزَنِيُّ، عن أبِيهِ، عن جَدِّهِ: «أنَّ النَّبِيَّ ﷺ أقْطَعَ بِلاَلَ بنَ الْحَارِثِ المُزَنِيَّ، مَعَادِنَ الْقَبَلِيَّةِ جَلْسِيَّهَا وَغَوْرِيَّهَا».

وَقَالَ غَيْرُهُ: «جلسَهَا وَغَوْرَهَا، وَحَيْثُ يَصْلُحُ الزَّرْعُ مِنْ قُدْسٍ وَلَمْ يُعْطِهِ حَقَّ مُسْلِمٍ» وَكَتَبَ لَهُ النَّبِيُّ ﷺ: **«بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ، هَذَا مَا أعْطَى مُحَمَّدٌ رَسُولُ اللَّهِ بِلاَلَ بنَ حَارِثٍ المُزَنِيَّ، أعْطَاهُ مَعَادِنَ الْقَبَلِيَّةِ جَلْسِيَّهَا وَغَوْرِيَّهَا»**.

وَقَالَ غَيْرُهُ: **«جَلْسَهَا وَغَوْرَهَا وَحَيْثُ يَصْلُحُ الزَّرْعُ مِنْ قُدْسٍ وَلَمْ يُعْطِهِ حَقَّ مُسْلِمٍ»**.

قَالَ أبُو أُوَيْسٍ: وَحَدَّثَنِي ثَوْرُ بنُ زَيْدٍ مَوْلَى بَنِي الدِّيْلِ بنِ بَكْرِ بنِ كِنَانَةَ عن عِكْرِمَةَ عن ابنِ عَبَّاسٍ مِثْلَهُ.

3063 ـ حدّثنا مُحَمَّدُ بنُ النَّضْرِ، قَالَ: سَمِعْتُ الْحُنَيْنِيَّ قال: «قَرَأتُهُ غَيْرَ مَرَّةٍ يَعْنِي كِتَابَ قَطِيعَةِ النَّبِيِّ ﷺ».

قال أبُو دَاوُدَ: وَحَدَّثَنَا غَيْرُ وَاحِدٍ عن حُسَيْنِ بنِ مُحَمَّدٍ: قالَ: أخبرنا أبُو أُوَيْسٍ، قال: حَدَّثَنِي كَثِيرُ بنُ عَبْدِ اللَّهِ، عن أبِيهِ، عن جَدِّهِ أنَّ النَّبِيَّ ﷺ أقْطَعَ بِلاَلَ بنَ حَارِثٍ المُزَنِيَّ مَعَادِنَ القَبَلِيَّةِ جَلْسِيَّهَا وَغَوْرِيَّهَا ـ قَالَ ابنُ النَّضْرِ: وَجَرْسَهَا وَذَاتَ النُّصُبِ ـ ثُمَّ اتَّفَقَا: وَحَيْثُ يَصْلُحُ الزَّرْعُ مِنْ قُدْسٍ وَلَمْ يُعْطِ بِلاَلَ بنَ الْحَارِثِ

he did not give him the right of a Muslim. The Messenger of Allah "Allah's blessing and peace be upon him" wrote to him a document to affirm that in which he said: "This is what the Messenger of Allah "Allah's blessing and peace be upon him" allocated to Bilal Ibn Al-Harith Al-Muzani: he granted to him the South mines, the upper and the lower of them, and where the land is fitting for cultivation near (the mountain of) Qudus; and he did not give him the right of a Muslim." A Hadith like this is narrated on the authority of Ikrimah from Ibn Abbas. The document was written by Ubai Ibn Ka'b.

3064- It is narrated on the authority of Abyad Ibn Hammal that when he came to the Messenger of Allah "Allah's blessing and peace be upon him", he asked him to allocate to him the salt of Sadd Ma'rib, and the Messenger of Allah "Allah's blessing and peace be upon him" allocated it to him. When he turned back a man from the present people said: "Do you know what you have allocated to him? You've allocated to him the inexhaustible perfuse water." On that he deprived him of it. He (Abyad) further asked him to make the (area of the trees of) Arak a protected zone for him, thereupon he said: "It is so as long as no hoofs could touch it." He means that the camels should eat as long as up to the level of their heads, and what is over that should be protected.

3065- It is narrated on the authority of Muhammad Ibn Al-Hasan Al-Makhzumi that he said: His saying: "It is so as long as no hoofs could touch it" means that the camels should eat as long as up to the level of their heads, and what is over that should be protected.

3066- It is narrated on the authority of Al-Abyad Ibn Hammal that he asked the Messenger of Allah "Allah's blessing and peace be upon him" to make (the area of the trees of) Arak a protected zone for him, thereupon the Messenger of Allah "Allah's blessing and peace be upon him" said: "No protection in favour of anyone should be imposed on the Arak trees." He said: "Those Arak trees exist in a cultivated piece of land surrounded (by date-palms)." The Messenger of Allah "Allah's blessing and peace be upon him" said once again: "No protection in favour of anyone should be imposed on the Arak trees."

3067- It is narrated on the authority of Uthman Ibn Abu Hazim from his father from his grandfather Sakhr that the Messenger of Allah "Allah's blessing and peace be upon him" attacked the Thaqif (tribe), and when Sakhr heard of that he led a group of cavalry and proceeded to supply him, and when he arrived there, he found the Messenger of Allah "Allah's

حَقَّ مُسْلِمٍ، وَكَتَبَ لَهُ رَسُولُ اللَّهِ ﷺ: **«هَذَا مَا أَعْطَى رَسُولُ اللَّهِ بِلاَلَ بنَ الْحَارِثِ الْمُزَنِيَّ أَعْطَاهُ مَعَادِنَ الْقَبَلِيَّةِ جَلْسَهَا وَغَوْرَهَا وَحَيْثُ يَصْلُحُ الزَّرْعُ مِنْ قُدْسٍ وَلَمْ يُعْطِهِ حَقَّ مُسْلِمٍ»**.

قال أَبو أُوَيْسٍ وَحَدَّثَنِي ثَوْرُ بنُ زَيْدٍ عَنْ عِكْرِمَةَ عنِ ابنِ عَبَّاسٍ عَنِ النَّبِيِّ ﷺ مِثْلَهُ.

زَادَ ابْنُ النَّضْرِ: وَكَتَبَ أُبَيُّ بنُ كَعْبٍ.

3064 ـ حدّثنا قُتَيْبَةُ بنُ سَعِيدٍ الثَّقَفِيُّ، وَمُحَمَّدُ بنُ الْمُتَوَكِّلِ الْعَسْقَلاَنِيُّ، الْمَعْنَى وَاحِدٌ، أَنَّ مُحَمَّدَ بنَ يَحْيَى بنِ قَيْسٍ الْمَازِنِيَّ حَدَّثَهُمْ قال: أخبرني أَبِي، عن ثُمَامَةَ بنِ شُرَاحِيلَ، عن سُمَيِّ بنِ قَيْسٍ، عنْ شُمَيْرٍ، قالَ ابنُ الْمُتَوَكِّلِ: ابنِ عَبْدِ الْمَعْدَانِ، عن أَبْيَضَ بنِ حَمَّالٍ: أَنَّهُ وَفَدَ إِلَى رَسُولِ اللَّهِ ﷺ فَاسْتَقْطَعَهُ الْمِلْحَ ـ قالَ ابنُ الْمُتَوَكِّلِ: الَّذِي بِمَأْرِبَ ـ فَقَطَعَهُ لَهُ، فَلَمَّا أَنْ وَلَّى قَالَ رَجُلٌ مِنَ الْمَجْلِسِ: أَتَدْرِي مَا قَطَعْتَ لَهُ؟ إِنَّمَا قَطَعْتَ لَهُ الْمَاءَ الْعِدَّ. قالَ: فَانْتَزَعَ مِنْهُ، قالَ: وَسَأَلَهُ عَمَّا يُحْمَى مِنَ الأَرَاكِ؟ قَالَ: **«مَا لَمْ تَنَلْهُ خِفَافٌ»**. وَقَالَ ابنُ الْمُتَوَكِّلِ: **«أَخْفَافُ الإِبِلِ»**.

3065 ـ حدّثنا هَارُونُ بنُ عَبْدِ اللَّهِ، قال: قال مُحَمَّدُ بنُ الْحَسَنِ الْمَخْزُومِيُّ: «**مَا لَمْ تَنَلْهُ أَخْفَافُ الإِبِلِ**. يَعْنِي أَنَّ الإِبِلَ تَأْكُلُ مُنْتَهَى رُؤُوسِهَا، وَيُحْمَى مَا فَوْقَهُ».

3066 ـ حدّثنا مُحَمَّدُ بنُ أحمدَ الْقُرَشِيُّ: حدَّثنا عَبْدُ اللَّهِ بنُ الزُّبَيْرِ: حدَّثنا فَرَجُ بنُ سَعِيدٍ، قال: حَدَّثَنِي عَمِّي ثَابِتُ بنُ سَعِيدٍ، عن أَبِيهِ، عن جَدِّهِ، عن أَبْيَضَ بنِ حَمَّالٍ: «أَنَّهُ سَأَلَ رَسُولَ اللَّهِ ﷺ عَنْ حِمَى الأَرَاكِ، فَقَالَ رَسُولُ اللَّهِ ﷺ: **«لاَ حِمَى فِي الأَرَاكِ»**. فَقَالَ: أَرَاكَةٌ فِي حِظَارِي، فَقَالَ النَّبِيُّ ﷺ: **«لاَ حِمَى فِي الأَرَاكِ»**، قَالَ فَرَجٌ: يَعْنِي بِحظَارِي الأَرْضَ الَّتِي فِيهَا الزَّرْعُ الْمُحَاطُ عَلَيْهَا».

3067 ـ حدّثنا عُمَرُ بنُ الْخَطَّابِ أَبُو حَفْصٍ، قال: حدَّثنا الْفِرْيَابِيُّ قالَ: حدَّثنا أَبَانُ، قالَ عُمَرُ: وَهُوَ ابنُ عَبْدِ اللَّهِ بنِ أَبِي حَازِمٍ قالَ: حَدَّثَنِي عُثْمَانُ بنُ أَبِي حَازِمٍ، عن أَبِيهِ، عن جَدِّهِ، عن صَخْرٍ: «أَنَّ رَسُولَ اللَّهِ ﷺ غَزَا ثَقِيفًا، فَلَمَّا أَنْ سَمِعَ ذَلِكَ صَخْرٌ رَكِبَ فِي خَيْلٍ يُمِدُّ النَّبِيَّ ﷺ، فَوَجَدَ نَبِيَّ اللَّهِ ﷺ قَدِ انْصَرَفَ

blessing and peace be upon him" having turned away, without conquering it. Sakhr took the pledge and covenant of Allah and His Messenger on himself not to leave this fort until its inhabitants should surrender to the judgement of the Messenger of Allah "Allah's blessing and peace be upon him". He kept besieging them until they surrendered to the judgement of the Messenger of Allah "Allah's blessing and peace be upon him". Sakhr sent a letter to him, saying: "To go further: the Thaqif (people) have surrendered to your judgement O Messenger of Allah; and I'm coming towards them in their cavalry." The Messenger of Allah "Allah's blessing and peace be upon him" ordered that the congregational prayer be established, and he invoked good upon the Ahmas, the people of Sakhr ten times: "O Allah! Bless Ahmas in their cavalry and infantry." Then, they came to him. Al-Mughirah Ibn Shu'bah said: "O Prophet of Allah! Sakhr took my paternal aunt (as captive) and she embraced Islam like the other people." The Messenger of Allah "Allah's blessing and peace be upon him" invited him and said: "O Sakhr! When the people embrace Islam, they should take back their (seized) property and prevent their women from slavery. So, bring back to Al-Mughirah his paternal aunt." He brought her back to him. He further asked the Messenger of Allah "Allah's blessing and peace be upon him" to allocate to him the (well of) water belonging to Banu Sulaim, who fled away and refused to embrace Islam, saying: "O Messenger of Allah! Make me and my people stay near it." He agreed, and made us stay near it. But when these of Sulaim embraced Islam and came to Sakhr and asked him to bring back the well of water to them, he refused. They went direct to the Messenger of Allah "Allah's blessing and peace be upon him", and said: "O Messenger of Allah! We've embraced Islam, and when we came to Sakhr and asked him to bring back our well of water, he refused." He came to him and the Messenger of Allah "Allah's blessing and peace be upon him" said: "O Sakhr! When the people embrace Islam, they should take back their property and blood. So, give back to the people their well of water." He agreed and said: "Yes O Messenger of Allah." He commented: At that moment, I saw the colour of the face of the Messenger of Allah "Allah's blessing and peace be upon him" turning into red out of shyness of depriving me of both the slave-woman and the well of water.

3068- It is narrated on the authority of Sabrah Ibn Abd Al-Aziz Ibn Ar-Rabie from his father from his grandfather that the Messenger of Allah "Allah's blessing and peace be upon him" spent three days at the very place of the mosque, under a dome, after which he came out to Tabuk, and Juhainah joined him in the large land. He asked them: "Who are the

وَلَمْ يَفْتَحْ، فَجَعَلَ صَخْرٌ حِينَئِذٍ عَهْدَ اللَّهِ وَذِمَّتَهُ أَنْ لاَ يُفَارِقَ هَذَا الْقَصْرَ حَتَّى يَنْزِلُوا عَلَى حُكْمِ رَسُولِ اللَّهِ ﷺ.

فَلَمْ يُفَارِقْهُمْ حَتَّى نَزَلُوا عَلَى حُكْمِ رَسُولِ اللَّهِ ﷺ، فَكَتَبَ إِلَيْهِ صَخْرٌ: أَمَّا بَعْدُ فَإِنَّ ثَقِيفًا قَدْ نَزَلَتْ عَلَى حُكْمِكَ يَا رَسُولَ اللَّهِ وَأَنَا مُقْبِلٌ إِلَيْهِمْ وَهُمْ فِي خَيْلٍ، فَأَمَرَ رَسُولُ اللَّهِ ﷺ بِالصَّلاَةِ جَامِعَةً، فَدَعَا لأَحْمَسَ عَشْرَ دَعَوَاتٍ: «**اللَّهُمَّ بَارِكْ لأَحْمَسَ فِي خَيْلِهَا وَرِجَالِهَا**».

وَأَتَاهُ الْقَوْمُ، فَتَكَلَّمَ الْمُغِيرَةُ بْنُ شُعْبَةَ فَقَالَ: يَا نَبِيَّ اللَّهِ إِنَّ صَخْرًا أَخَذَ عَمَّتِي وَدَخَلَتْ فِيمَا دَخَلَ فِيهِ الْمُسْلِمُونَ، فَدَعَاهُ فَقَالَ: «**يَا صَخْرُ إِنَّ الْقَوْمَ إِذَا أَسْلَمُوا أَحْرَزُوا دِمَاءَهُمْ وَأَمْوَالَهُمْ فَادْفَعْ إِلَى الْمُغِيرَةِ عَمَّتَهُ**»، فَدَفَعَهَا إِلَيْهِ.

وَسَأَلَ نَبِيُّ اللَّهِ ﷺ «**مَا لِبَنِي سُلَيْمٍ قَدْ هَرَبُوا عَنِ الإِسْلاَمِ وَتَرَكُوا ذَلِكَ الْمَاءَ؟**» فَقَالَ: يَا نَبِيَّ اللَّهِ أَنْزِلْنِيهِ أَنَا وَقَوْمِي، قال: «**نَعَمْ**»، فَأَنْزَلَهُ، وَأَسْلَمَ ـ يَعْنِي السُّلَمِيِّينَ ـ فَأَتَوْا صَخْرًا فَسَأَلُوهُ أَنْ يَدْفَعَ إِلَيْهِمْ فَأَتَوُا النبيَّ فَقَالُوا: يَا نَبِيَّ اللَّهِ أَسْلَمْنَا وَأَتَيْنَا صَخْرًا لِيَدْفَعَ إِلَيْنَا مَاءَنَا فَأَبَى عَلَيْنَا، فَأَتَاهُ فَقَالَ: «**يَا صَخْرُ إِنَّ الْقَوْمَ إِذَا أَسْلَمُوا أَحْرَزُوا أَمْوَالَهُمْ وَدِمَاءَهُمْ، فَادْفَعْ إِلَى الْقَوْمِ مَاءَهُمْ**»، قال: نَعَمْ يَا نَبِيَّ اللَّهِ، فَرَأَيْتُ وَجْهَ رَسُولِ اللَّهِ ﷺ يَتَغَيَّرُ عِنْدَ ذَلِكَ حُمْرَةً حَيَاءً مِنْ أَخْذِهِ الْجَارِيَةَ وَأَخْذِهِ الْمَاءَ».

3068 - حدّثنا سُلَيْمَانُ بنُ دَاوُدَ الْمَهْرِيُّ: أخبرنا ابنُ وَهْبٍ: حَدَّثَنِي سَبْرَةُ بنُ عَبْدِالْعَزِيزِ بنِ الرَّبِيعِ الْجُهَنِيُّ، عن أَبِيهِ، عن جَدِّهِ: «أَنَّ النَّبِيَّ ﷺ نَزَلَ فِي مَوْضِعِ الْمَسْجِدِ تَحْتَ دَوْمَةٍ، فَأَقَامَ ثَلاَثًا ثُمَّ خَرَجَ إِلَى تَبُوكَ، وَإِنَّ جُهَيْنَةَ لَحِقُوهُ بِالرَّحْبَةِ فَقَالَ لَهُمْ: «**مَنْ أَهْلُ ذِي الْمَرْوَةِ؟**»

inhabitants of Dhul-Marwah (a village in Wadi Al-Qura between Medina and Sham)?" they said: "Banu Rifa'ah, and they belong to Juhainah." On that he said: "I've granted them to Banu Rifa'ah." It was distributed among them equally: some of them sold their shares, and others kept theirs, and cultivated them.

3069- It is narrated on the authority of Asma' that the Messenger of Allah "Allah's blessing and peace be upon him" granted Az-Zubair (a garden of) date-palms.

3070- It is narrated on the authority of Bint Makhramah that she said: We came to visit the Messenger of Allah "Allah's blessing and peace be upon him", and my husband Huraith Ibn Hassan, the envoy of Banu Wa'il Ibn Bakr, went forward and gave the pledge of allegiance to him that he and his people would embrace Islam. Then, he said: "O Messenger of Allah! Write a document for us pertaining to Ad-Dahna' that none belonging to Banu Tamim should cross it unless he is a traveler, or asking for shelter." He said: "Write to them a document pertaining to Ad-Dahna' O young man!" when I saw that he had written a document for him pertaining to it, I worried for it is my homeland. I said to the Messenger of Allah "Allah's blessing and peace be upon him": "O Messenger of Allah! He did not ask you for the plain ground, but this Ad-Dahna' is the pasture of camels, (which they could not go beyond in pursuit of meadow) and the grazing land of their sheep, and the women and children of Banu Tamim live direct behind it." On that the Messenger of Allah "Allah's blessing and peace be upon him" said: "Stop O young man (from writing the document)! This poor lady has told the truth. No doubt, the Muslim is the brother of the Muslim, whom both water and trees should extend to suffice them, and they should cooperate to overpower such as puts the people to trial (i.e. Satan)."

3071- It is narrated on the authority of Asmar Ibn Midras that he said: I went to the Messenger of Allah "Allah's blessing and peace be upon him" and gave him the pledge of allegiance, thereupon he said: "He, who comes first to a well of water, to which none of the Muslims has ever gone, it becomes in his possession." The people set out rushing and running, in an attempt to precede one another to have control over (whatever resources of water he could find).

3072- It is narrated on the authority of Ibn Umar that the Messenger of Allah "Allah's blessing and peace be upon him" granted Az-Zubair as much land as (the distance which might be covered by) a pace of his running horse. He made his horse run just until he stood and then he threw

فَقَالُوا: بَنُو رِفَاعَةَ مِنْ جُهَيْنَةَ، فَقَالَ: «**قَدْ أَقْطَعْتُهَا لِبَنِي رِفَاعَةَ**»، فَاقْتَسَمُوهَا، فَمِنْهُمْ مَنْ بَاعَ، وَمِنْهُمْ مَنْ أَمْسَكَ فَعَمِلَ. ثُمَّ سَأَلْتُ أَبَاهُ عَبْدَ الْعَزِيزِ عَنْ هَذَا الْحَدِيثِ، فَحَدَّثَنِي بِبَعْضِهِ وَلَمْ يُحَدِّثْنِي بِهِ كلِّهِ».

3069 ـ حدّثنا حُسَيْنُ بنُ عَلِيٍّ: حدّثنا يَحْيَى ـ يَعْنِي ابنَ آدَمَ ـ: حدَّثنا أَبُو بَكْرِ بْنُ عَيَّاشٍ، عن هِشَامِ بنِ عُرْوَةَ، عن أَبِيهِ عن أَسْماءَ بِنْتِ أَبِي بَكْرٍ: «أَنَّ رَسُولَ اللَّهِ ﷺ أَقْطَعَ الزُّبَيْرَ نَخْلاً».

3070 ـ حدّثنا حَفْصُ بنُ عُمَرَ وَمُوسَى بنُ إِسْمَاعِيلَ ـ المَعْنَى وَاحِدٌ ـ قَالاَ: حدثنا عَبْدُ اللَّهِ بنُ حَسَّانَ الْعَنْبَرِيُّ، قال: حَدَّثَتْنِي جَدَّتَايَ صَفِيَّةُ وَدُحَيْبَةُ ابْنَتَا عُلَيْبَةَ، وَكَانَتَا رَبِيبَتَيْ قَيْلَةَ بِنْتِ مَخْرَمَةَ، وَكَانَتْ جَدَّةَ أَبِيهِمَا، أَنَّهَا أَخْبَرَتْهُمَا قَالَتْ: قَدِمْنَا عَلَى رَسُولِ اللَّهِ ﷺ، قَالَتْ: تَقَدَّمَ صَاحِبِي ـ تَعْنِي حُرَيْثَ بنَ حَسَّانَ وَافِدَ بَكْرِ بنِ وَائِلٍ ـ فَبَايَعَهُ عَلَى الإِسْلاَمِ عَلَيْهِ وَعَلَى قَوْمِهِ، ثُمَّ قَالَ: يَا رَسُولَ اللَّهِ اكْتُبْ بَيْنَنَا وَبَيْنَ بَنِي تَمِيمٍ بالدَّهْنَاءِ أَنْ لاَ يُجَاوِزَهَا إِلَيْنَا مِنْهُمْ أَحَدٌ إِلاَّ مُسَافِرٌ أَوْ مُجَاوِرٌ فَقَالَ: «**اكْتُبْ لَهُ يَا غُلاَمُ بالدَّهْنَاءِ**»، فَلَمَّا رَأَيْتُهُ قَدْ أَمَرَ لَهُ بِهَا شُخِصَ بِي وَهِيَ وَطَنِي وَدَارِي، فَقُلْتُ: يَا رَسُولَ اللَّهِ إِنَّهُ لَمْ يَسْأَلْكَ السَّوِيَّةَ مِنَ الأَرْضِ إِذْ سَأَلَكَ إِنَّمَا هَذِهِ الدَّهْنَاءُ عِنْدَكَ مُقَيَّدُ الْجَمَلِ وَمَرْعَى الْغَنَمِ وَنِسَاءُ بَنِي تَمِيمٍ وَأَبْنَاؤُهَا وَرَاءَ ذَلِكَ، فَقَالَ: «**أَمْسِكْ يَا غُلاَمُ صَدَقَتِ المِسْكِينَةُ، المُسْلِمُ أَخُو المُسْلِمِ يَسَعُهُمَا الْمَاءُ وَالشَّجَرُ، وَيَتَعَاوَنَانِ عَلَى الْفَتَّانِ**».

3071 ـ حدّثنا مُحَمَّدُ بنُ بَشَّارٍ: حدثني عَبْدُ الْحَمِيدِ بنُ عَبْدِ الْوَاحِدِ: حدثتني أُمُّ جَنُوبٍ بِنْتُ نُمَيْلَةَ، عن أُمِّهَا سُوَيْدَةَ بِنْتِ جَابِرٍ، عن أُمِّهَا عَقِيلَةَ بِنْتِ أَسْمَرَ بنِ مُضَرِّسٍ، عن أَبِيهَا أَسْمَرَ بْنِ مُضَرِّسٍ قال: «أَتَيْتُ النَّبِيَّ ﷺ فَبَايَعْتُهُ فَقَالَ: «**مَنْ سَبَقَ إِلَى مَاءٍ لَمْ يَسْبِقْهُ إِلَيْهِ مُسْلِمٌ فَهُوَ لَهُ**». قَالَ: فَخَرَجَ النَّاسُ يَتَعَادَوْنَ يَتَخَاطَوْنَ».

3072 ـ حدّثنا أَحْمَدُ بنُ حَنْبَلٍ: حدَّثنا حَمَّادُ بنُ خَالِدٍ، عَنْ عَبْدِ اللَّهِ بنِ عُمَرَ، عن نَافِعٍ، عن ابنِ عُمَرَ: «أَنَّ النَّبِيَّ ﷺ أَقْطَعَ الزُّبَيْرَ حُضْرَ فَرَسِهِ فَأَجْرَى

his whip, thereupon the Messenger of Allah "Allah's blessing and peace be upon him" said: "Give him from where his whip has reached."

[37] Giving Life To The Dead Land

3073- It is narrated on the authority of Sa'id Ibn Zaid that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "He, who gives life to a dead land (i.e. reclaims a barren piece of land), it becomes for him, and no one has right to fix a plant in it wrongfully."

3074- It is narrated on the authority of Yahya Ibn Urwah from his father that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "He, who gives life to a dead land, it becomes in his possession..."and the rest is the same.

He further said: The one who related this narration to me told me that two persons appealed to the Messenger of Allah "Allah's blessing and peace be upon him" to judge between them, one of whom had fixed his date-palms in the land of the other. The Messenger of Allah "Allah's blessing and peace be upon him" judged that the land should be for its owner and the owner of the date-palms should take out his palms. I saw them while their roots being struck with the mattocks, and they were very long until they were taken out of the land.

3075- The same is narrated on the authority of Ibn Ishaq, through the same chain of transmitters, with a slight variation of wording: here he named the one who told him the narration, i.e. Abu Sa'id Al-Khudri.

3076- It is narrated on the authority of Urwah that he said: I bear witness that the Messenger of Allah "Allah's blessing and peace be upon him" judged that the land is Allah's land, and those are Allah's servants; and whoever gave life to a dead land should have more claim over it. This is narrated from the Messenger of Allah "Allah's blessing and peace be upon him" by those who transmitted to us the prayers from him.

3077- It is narrated on the authority of Samurah that the Messenger of Allah "Allah's blessing and peace be upon him" said: "He, who cultivates a garden in a (piece of) land, it should be for him."

3078- It is narrated on the authority of Hisham that he said: The wrongful vein is that a man fixes a date-palm in the land of another, for which he comes to have claim over it. Malik says: The wrongful vein applies to whatever is taken, fixed and dug illegally.

3079- It is narrated on the authority of Abu Humaid As-Sa'idi that he said: I set out with The Messenger of Allah "Allah's blessing and peace be

فَرَسَهُ حَتَّى قَامَ ثُمَّ رَمَى بِسَوْطِهِ فَقَالَ: «**اعْطُوهُ مِنْ حَيْثُ بَلَغَ السَّوْطُ**».

[ت37/م35، 37] ـ باب في إحياء الموات

3073 ـ حدّثنا مُحَمَّدُ بنُ الْمُثَنَّى: حدَّثنا عَبْدُ الْوَهَّابِ: حدَّثنا أَيُّوبُ، عن هِشَامِ بنِ عُرْوَةَ، عن أَبِيهِ، عن سَعِيدِ بنِ زَيْدٍ، عن النَّبِيِّ ﷺ قَالَ: «**مَنْ أَحْيَا أَرْضًا مَيْتَةً فَهِيَ لَهُ وَلَيْسَ لِعِرْقٍ ظَالِمٍ حَقٌّ**».

3074 ـ حدّثنا هَنَّادُ بنُ السَّرِيِّ: حدَّثنا عَبْدَةُ، عن مُحَمَّدٍ ـ يَعْنِي ابْنَ إِسْحَاقَ ـ، عَنْ يَحْيَى بنِ عُرْوَةَ، عن أَبِيهِ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «**مَنْ أَحْيَا أَرْضًا مَيْتَةً فَهِي لَهُ**». وَذَكَر مِثْلَهُ قَالَ: فَلَقَدْ خَبَّرَنِي الَّذِي حَدَّثَنِي هَذَا الْحَدِيثَ؛ أَنَّ رَجُلَيْنِ اخْتَصَمَا إِلَى رَسُولِ اللَّهِ ﷺ غَرَسَ أَحَدُهُمَا نَخْلاً فِي أَرْضِ الآخَرِ، فَقَضَى لِصَاحِبِ الأَرْضِ بِأَرْضِهِ وَأَمَرَ صَاحِبَ النَّخْلِ أَنْ يُخْرِجَ نَخْلَهُ مِنْهَا. قَالَ: فَلَقَدْ رَأَيْتُهَا إِنَّهَا لَتُضْرَبُ أُصُولُهَا بِالْفُؤُوسِ وَإِنَّهَا لَنَخْلٌ عُمٌّ حَتَّى أُخْرِجَتْ مِنْهَا.

3075 ـ حدّثنا أَحْمَدُ بنُ سَعِيدٍ الدَّارِمِيُّ: حدَّثنا وَهْبٌ، عن أَبِيهِ، عن ابنِ إِسْحَاقَ بِإِسْنَادِهِ وَمَعْنَاهُ إِلاَّ أَنَّهُ قَالَ عِنْدَ قَوْلِهِ مَكَانَ الَّذِي حَدَّثَنِي هَذَا: فَقَالَ رَجُلٌ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَأَكْثَرُ ظَنِّي أَنَّهُ أَبُو سَعِيدٍ الْخُدْرِيُّ فَأَنَا رَأَيْتُ الرَّجُلَ يَضْرِبُ فِي أُصُولِ النَّخْلِ.

3076 ـ حدّثنا أَحْمَدُ بنُ عَبْدَةَ الآمُلِيُّ: أخبرنا عَبْدُ اللَّهِ بنُ عُثْمَانَ: أخبرنا عَبْدُ اللَّهِ بنُ الْمُبَارَكِ: أَنْبَأَنَا نَافِعُ بنُ عُمَرَ، عن ابنِ أَبِي مُلَيْكَةَ عَنْ عُرْوَةَ قَالَ: «أَشْهَدُ أَنَّ رَسُولَ اللَّهِ ﷺ قَضَى أَنَّ الأَرْضَ أَرْضُ اللَّهِ، وَالْعِبَادَ عِبَادُ اللَّهِ، وَمَنْ أَحْيَا مَوَاتًا فَهُوَ أَحَقُّ بِهِ جَاءَنَا بِهَذَا عَنِ النَّبِيِّ ﷺ الَّذِينَ جَاءُوا بِالصَّلَوَاتِ عَنْهُ».

3077 ـ حدّثنا أَحْمَدُ بنُ حَنْبَلٍ: حدَّثنا مُحَمَّدُ بنُ بِشْرٍ: أخبرنا سَعِيدٌ، عن قَتَادَةَ، عن الْحَسَنِ، عن سَمُرَةَ، عن النَّبِيِّ ﷺ قَالَ: «**مَنْ أَحَاطَ حَائِطًا عَلَى أَرْضٍ فَهِيَ لَهُ**».

3078 ـ حدّثنا أَحْمَدُ بنُ عَمْرِو بنِ السَّرْحِ: أَنْبَأَنَا ابنُ وَهْبٍ: أخبرني مَالِكٌ. قالَ هِشَامٌ: «الْعِرْقُ الظَّالِمُ أَنْ يَغْرِسَ الرَّجُلُ فِي أَرْضِ غَيْرِهِ، فَيَسْتَحِقَّهَا بِذَلِكَ. قال مَالِكٌ: وَالْعِرْقُ الظَّالِمُ كُلُّ مَا أُخِذَ وَاحْتُفِرَ وَغُرِسَ بِغَيْرِ حَقٍّ».

3079 ـ حدّثنا سَهْلُ بنُ بَكَّارٍ: حدَّثنا وُهَيْبُ بنُ خَالِدٍ، عن عَمْرِو بنِ يَحْيَى، عن الْعَبَّاسِ السَّاعِدِيِّ ـ يَعْنِي ابنَ سَهْلِ بنِ سَعْدٍ ـ، عن أَبِي حُمَيْدٍ السَّاعِدِيِّ قَالَ: غَزَوْتُ مَعَ رَسُولِ اللَّهِ ﷺ تَبُوكَ فَلَمَّا أَتَى وَادِي الْقُرَى إِذَا امْرَأَةٌ فِي حَدِيقَةٍ لَهَا،

upon him" on the holy battle of Tabuk. We came to the Qura valley, where there was a garden belonging to a woman. The Messenger of Allah "Allah's blessing and peace be upon him" said: "Estimate (the yield of its fruit)." The Messenger of Allah "Allah's blessing and peace be upon him" estimated it as ten Wasaqs. He asked the lady (to calculate its amount) until they would, Allah willing, return to her. We proceeded on until we came to Tabuk and the ruler of Ailah presented a white mule to the Messenger of Allah "Allah's blessing and peace be upon him". The Messenger of Allah "Allah's blessing and peace be upon him" wrote to him (in reply to his message) and sent to him a cloak as a gift. We came back until we alighted in the valley of Al-Qura. The Messenger of Allah "Allah's blessing and peace be upon him" asked that lady about her garden and the amount of its fruits. She said: "Ten Wasaqs, the same as the Messenger of Allah "Allah's blessing and peace be upon him" had estimated it." Then, The Messenger of Allah "Allah's blessing and peace be upon him" said: "I am going to proceed fast towards Medina. whoever amongst you wishes may depart with me, but whoever wishes to stay may stay."

3080- It is narrated on the authority of Zainab that she was looking for lice in the head of the Messenger of Allah "Allah's blessing and peace be upon him" in the presence of the wife of Uthman Ibn Affan and some emigrating ladies who came to complain of the narrowness of their houses, and that they were driven out of them. On that the Messenger of Allah "Allah's blessing and peace be upon him" ordered that the houses of the Muhajirs should be inherited by their women. When Abdullah Ibn Mas'ud died, her wife inherited a home belonging to him in Medina.

[38] What About Usurping The Land Assigned To The Tax Payment

3081- It is narrated on the authority of Mu'adh that he said: He, who ties the Jizyah in his neck (i.e. usurps it illegally) has, indeed, abandoned that on which the Messenger of Allah "Allah's blessing and peace be upon him" was.

3082- It is narrated on the authority of Abu Ad-Darda' that he said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "He, who usurps a (piece of) land with its tax has, indeed, cancelled out (the reward of) his migration; and he, who takes the collar of an infidel off his neck, and Puts it in his own neck, has then turned his back to Islam." When Khalid Ibn Ma'dan heard this narration from me he said: "Has Shabib related to you this narration?" I answered in the affirmative, thereupon he said: "When you go to him, ask him to write this narration for me." He

فَقَالَ رَسُولُ اللَّهِ ﷺ لأَصْحَابِهِ: «**اخْرُصُوا**»، فَخَرَصَ رَسُولُ اللَّهِ ﷺ عَشْرَةَ أَوْسُقٍ، فَقَالَ لِلْمَرْأَةِ: «**أَحْصِي مَا يَخْرُجُ مِنْهَا**»، فَأَتَيْنَا تَبُوكَ فَأَهْدَى مَلِكُ أَيْلَةَ إِلَى رَسُولِ اللَّهِ ﷺ بَغْلَةً بَيْضَاءَ وَكَسَاهُ بُرْدَةً، وَكَتَبَ لَهُ يَعْنِي بِبَحْرِهِ. قَالَ: فَلَمَّا أَتَيْنَا وَادِي الْقُرَى قَالَ لِلْمَرْأَةِ: «**كَمْ كَانَ فِي حَدِيقَتِكِ؟**» قَالَتْ: عَشَرَةُ أَوْسُقٍ خَرْصُ رَسُولِ اللَّهِ ﷺ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «**إِنِّي مُتَعَجِّلٌ إِلَى الْمَدِينَةِ فَمَنْ أَرَادَ أَنْ يَتَعَجَّلَ مَعِي فَلْيَتَعَجَّلْ**».

3080 ـ حدّثنا عَبْدُ الْوَاحِدِ بنُ غِيَاثٍ: حدَّثنا عَبْدُ الْوَاحِدِ بنُ زِيَادٍ: حدَّثنا الأَعْمَشُ، عن جَامِعِ بنِ شَدَّادٍ، عن كُلْثُوم، عن زَيْنَبَ أَنَّهَا كَانَتْ تَفْلِي رَأْسَ رَسُولِ اللَّهِ ﷺ وَعِنْدَهُ امْرَأَةُ عُثْمَانَ بنِ عَفَّانَ وَنِسَاءٌ مِنَ الْمُهَاجِرَاتِ وَهُنَّ يَشْتَكِينَ مَنَازِلَهُنَّ أنها تَضِيقُ عَلَيْهِنَّ وَيُخْرَجْنَ مِنْهَا، فَأَمَرَ رَسُولُ اللَّهِ ﷺ أَنْ تُورَّثَ دُورُ الْمُهَاجِرِينَ النِّسَاءَ فَمَاتَ عَبْدُ اللَّهِ بنُ مَسْعُودٍ فَوَرَّثَتْهُ امْرَأَتُه دَارًا بالْمَدِينَةِ.

[ت38/م36، 38] ـ باب ما جاء في الدخول في أرض الخراج

3081 ـ حدّثنا هَارُونُ بنُ مُحَمَّدِ بنِ بَكَّارِ بنِ بِلاَلٍ: أخبرنا مُحَمَّدُ بنُ عِيسَى ـ يَعْنِي ابْنَ سُمَيْعٍ ـ قالَ: أخبرنا زَيْدُ بنُ وَاقِدٍ: حَدَّثَنِي أَبُو عَبْدِ اللَّهِ، عن مُعَاذٍ أَنَّهُ قَالَ: «مَنْ عَقَدَ الْجِزْيَةَ فِي عُنُقِهِ فَقَدْ بَرِئَ مِمَّا عَلَيْهِ رَسُولُ اللَّهِ ﷺ».

3082 ـ حدّثنا حَيْوَةُ بنُ شُرَيْحٍ الْحَضْرَمِيُّ: حدَّثنا بَقِيَّةُ: حَدَّثَنِي عُمَارَةُ بنُ أَبِي الشَّعْثَاءِ: حَدَّثَنِي سِنَانُ بنُ قَيْسٍ: حَدَّثَنِي شَبِيبُ بنُ نُعَيْمٍ: حَدَّثَنِي يَزِيدُ بنُ خُمَيْرٍ: حَدَّثَنِي أَبُو الدَّرْدَاءِ، قالَ: قالَ رَسُولُ اللَّهِ ﷺ: «**مَنْ أَخَذَ أَرْضًا بِجِزْيَتِهَا فَقَدِ اسْتَقَالَ هِجْرَتَهُ، وَمَنْ نَزَعَ صَغَارَ كَافِرٍ مِنْ عُنُقِهِ فَجَعَلَهُ فِي عُنُقِهِ فَقَدْ وَلَّى الإِسْلاَمَ ظَهْرَهُ**». قالَ: فَسَمِعَ مِنِّي خَالِدُ بنُ مَعْدَانَ هَذَا الْحَدِيثَ فَقَالَ لِي: أَشَبِيبٌ حَدَّثَكَ؟ فَقُلْتُ نَعَمْ، قالَ: فَإِذَا قَدِمْتَ فَسَلْهُ فَلْيَكْتُبْ إِلَيَّ بالْحَدِيثِ قال:

wrote it to him, and when I returned Khalid Ibn Ma'dan asked me to give it to him, and when I gave it to him and he recited it, he left the (pieces of) land that were in his hand once he heard that.

[39] The Land Protected By The Ruler

3083- It is narrated on the authority of Ibn Abbas that As-Sa'b Ibn Jaththamah said: The Messenger of Allah "Allah's blessing and peace be upon him" said: "There is no protected zone to be made by anyone other than Allah and His Messenger." Ibn Shihab said: I was reported that the Messenger of Allah "Allah's blessing and peace be upon him" made An-Naqi' as a protected zone.

3084- It is narrated on the authority of Ibn Abbas that As-Sa'b Ibn Jaththamah told that the Messenger of Allah "Allah's blessing and peace be upon him" made An-Naqi' as a protected zone; and he said: "There is no protected zone to be made by anyone other than Allah Almighty."

[40] What About The Buried Treasure Or Metal

3085- It is narrated on the authority of Abu Hurairah that the Messenger of Allah "Allah's blessing and peace be upon him" said: "Out of the buried treasure or metal (that is found and brought out by anyone) one-fifth (should be given to the state)."

3086- The same is narrated on the authority of Al-Hasan, through another chain of transmitters.

3087- It is narrated on the authority of Duba'ah, daughter of Az-Zubair Ibn Abd Al-Muttalib Ibn Hashim that she told: One day, Al-Miqdad Ibn Amr set out to Baqi', near the graves in order to answer the call of nature. He entered into a dump, and while he was sitting for excretion, he saw a rat having brought out a Dinar from a hole; and then it got in and brought out another Dinar (and it kept doing so) till it brought out seventeen Dinars. Then, it brought out the edge of a red cloth and when he drew the cloth and behold! It had a Dinar, and thus the total was eighteen Dinars. He came out with it, and brought it to the Messenger of Allah "Allah's blessing and peace be upon him", and made a mention of that to him, and said: "Take whatever charity is due upon it O Messenger of Allah!" He said: "Have you pulled it out of the hole with your hand?" He answered in the negative, thereupon he said: "(Go back with it: there is no charity due upon it): might Allah bless you in it!"

فَكَتَبَهُ لَهُ فَلَمَّا قَدِمْتُ سَأَلَنِي خَالِدُ بْنُ مَعْدَانَ الْقِرْطَاسَ، فَأَعْطَيْتُهُ. فَلَمَّا قَرَأَهُ تَرَكَ مَا فِي يَدِهِ مِنَ الأَرَضِيْنَ حِينَ سَمِعَ ذَلِكَ.

قال أَبُو دَاوُدَ: هَذَا يَزِيدُ بنُ خُمَيْرٍ الْيَزَنِيُّ لَيْسَ هُوَ صَاحِبَ شُعْبَةَ.

[ت39/م37، 39] ـ باب في الأَرض يحميها الإمام أَو الرجل

3083 ـ حدّثنا ابنُ السَّرْحِ، أخبرنا ابنُ وَهْبٍ، أخبرني يُونُسُ، عن ابنِ شِهَابٍ، عن عُبَيْدِ اللَّهِ بنِ عَبْدِ اللَّهِ، عن ابنِ عَبَّاسٍ، عن الصَّعْبِ بنِ جَثَّامَةَ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «**لاَ حِمَى إِلاَّ للَّهِ وَلِرَسُولِهِ**».

قال ابنُ شِهَابٍ: وَبَلَغَنِي أَنَّ رَسُولَ اللَّهِ ﷺ حَمَى النَّقِيعَ.

3084 ـ حدّثنا سَعِيدُ بنُ مَنْصُورٍ: حدثنا عَبْدُ العَزِيزِ بنُ مُحَمَّدٍ، عَنْ عَبْدِ الرَّحْمَنِ بنِ الْحَارِثِ، عن ابنِ شِهَابٍ، عن عُبَيْدِ اللَّهِ بنِ عَبْدِ اللَّهِ، عن عَبْدِ اللَّهِ بنِ عَبَّاسٍ، عن الصَّعْبِ بنِ جَثَّامَةَ: أَنَّ النَّبِيَّ ﷺ حَمَى النَّقِيعَ وَقَالَ: «**لاَ حِمَى إِلاَّ للَّهِ عَزَّ وَجَلَّ**».

[ت40/م38، 40] ـ باب ما جاء في الركاز وما فيه

3085 ـ حدّثنا مُسَدَّدٌ: حدَّثنا سُفْيَانُ، عن الزُّهْرِيِّ، عن سَعِيدِ بنِ الْمُسَيَّبِ وَأَبِي سَلَمَةَ سَمِعَا أَبَا هُرَيْرَةَ يُحَدِّثُ أَنَّ النَّبِيَّ ﷺ قَالَ: «**فِي الرِّكَازِ الْخُمُسُ**».

3086 ـ حدّثنا يَحْيَى بنُ أَيُّوبَ: حدَّثنا عَبَّادُ بنُ الْعَوَّامِ، عن هِشَامٍ، عن الْحَسَنِ قال: «الرِّكَازُ الْكَنْزُ الْعَادِي».

3087 ـ حدّثنا جَعْفَرُ بنُ مُسَافِرٍ: حدَّثنا ابنُ أَبِي فُدَيْكٍ: حدَّثنا الزَّمْعِيُّ، عن عَمَّتِهِ قُرَيْبَةَ بِنْتِ عَبْدِ اللَّهِ بنِ وَهْبٍ، عن أُمِّهَا كَرِيمَةَ بِنْتِ المِقْدَادِ، عن ضُبَاعَةَ بِنْتِ الزُّبَيْرِ بنِ عَبْدِ الْمُطَّلِبِ بنِ هَاشِمٍ أَنَّهَا أَخْبَرَتْهَا قَالَتْ: ذَهَبَ المِقْدَادُ لِحَاجَتِهِ بِبَقِيعِ الْخَبْخَبَةِ، فَإِذَا جُرَذٌ يُخْرِجُ مِنْ جُحْرٍ دِينَارًا ثُمَّ لَمْ يَزَلْ يُخْرِجُ دِينَارًا دِينَارًا حَتَّى أَخْرَجَ سَبْعَةَ عَشَرَ دِينَارًا ثُمَّ أَخْرَجَ خِرْقَةً حَمْرَاءَ ـ يَعْنِي فِيهَا دِينَارٌ ـ فَكَانَتْ ثَمَانِيَةَ عَشَرَ دِينَارًا فَذَهَبَ بِهَا إِلَى النَّبِيِّ ﷺ فَأَخْبَرَهُ وَقَالَ لَهُ: خُذْ صَدَقَتَهَا، فَقَالَ لَهُ النَّبِيُّ ﷺ: «**هَلْ هَوَيْتَ إِلَى الْجُحْرِ؟**» قَالَ: لاَ، فَقَالَ لَهُ رَسُولُ اللَّهِ ﷺ: «**بَارَكَ اللَّهُ لَكَ فِيهَا**».

[41] What About Digging Out The Graves In Search Of Property?

3088- It is narrated on the authority of Abdullah Ibn Amr that he said: I heard the Messenger of Allah "Allah's blessing and peace be upon him" having said, when he set out with him to Ta'if and came upon a grave: "This is the grave of Abu Righal, and he was at that place to defend it, and when he set out, he was affected by the evil that had affected his people at that place (and he died) and was buried in it. The portent of that is a golden branch was buried with him; and if you dig out the grave, you will find it with him." The people hastened to dig it and they brought the golden branch out of it.

[ت41/م39 ، 41] - باب نبش القبور العاديَّة يكون فيها المال

3088 - حدّثنا يَحْيَى بنُ مَعِينٍ: حدَّثنا وَهْبُ بنُ جَرِيرٍ: حدَّثنا أَبِي، قال: سَمِعْتُ مُحَمَّدَ بنَ إِسْحَاقَ يُحدِّثُ، عن إِسْمَاعِيلَ بنِ أُمَيَّةَ، عن بُجَيْرِ بنِ أبي بُجَيْرٍ قال: سَمِعْتُ عَبْدَ اللَّهِ بنَ عَمْرٍو يَقُولُ: «سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ حِينَ خَرَجْنَا مَعَهُ إِلَى الطَّائِفِ فَمَرَرْنَا بِقَبْرٍ، فَقَالَ رَسُولُ اللَّهِ ﷺ: **«هَذَا قَبْرُ أَبِي رِغَالٍ، وَكَانَ بِهَذَا الْحَرَمِ يُدْفَعُ عَنْهُ، فَلَمَّا خَرَجَ أَصَابَتْهُ النِّقْمَةُ الَّتِي أَصَابَتْ قَوْمَهُ بِهَذَا الْمَكَانِ فَدُفِنَ فِيهِ، وَآيَةُ ذَلِكَ أَنَّهُ دُفِنَ مَعَهُ غُصْنٌ مِنْ ذَهَبٍ، إِنْ أَنْتُمْ نَبَشْتُمْ عَنْهُ أَصَبْتُمُوهُ مَعَهُ»**. فَابْتَدَرَهُ النَّاسُ فَاسْتَخْرَجُوا الْغُصْنَ».

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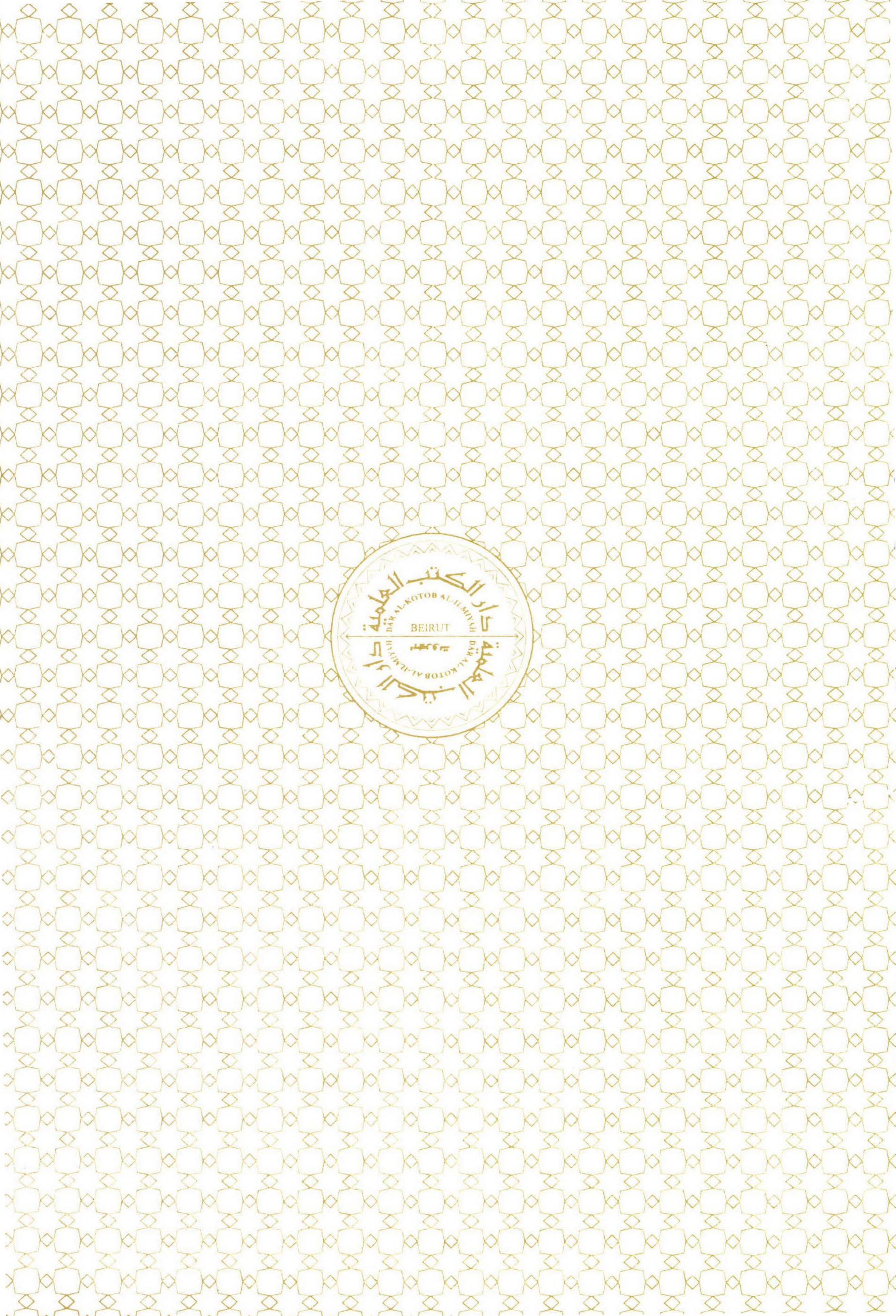
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